



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P(MD)No.10835 of 2020 and
Cr1.MP(MD) No.4934 of 2020

Manikandan @ Katta Mani

...Petitioner/Sole Accused

Vs

1.The State rep by

The Inspector of Police,
Pappakudi Police Station,
Tirunelveli District.
(Crime No.299/2020)

...1st Respondent/Complainant

2.Esakkimuthu

...2nd Respondent/Defacto
Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the Crime No.299/2020, on the file of the Inspector of Police, Pappakudi Police Station, Tirunelveli District and quash the same.

For Petitioner : Mr.R.Rajesh Kumar

For R1 & R2 : Ms.S.E.Veronica Vincent
Government Advocate

O R D E R

Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for R1 and the learned counsel for R2.

2.This Criminal Original Petition has been filed for quashing the First Information Report in Crime No.299 of 2020, registered on the file of the first respondent for the offences under Sections 294 (b), 307 & 506(ii) of IPC. This Criminal Original Petition was listed before me on 07.10.2020. On the date of admission itself, the learned counsel appearing for the petitioner produced the defacto complainant before me through video conferencing. The defacto complainant had categorically stated that the petitioner herein is utter stranger to him. He has not given any complaint against the petitioner.

3.I carefully went through the contents of the First Information Report. Even a bare reading of the First Information Report would show that it is a put up case. I called upon the

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learned Government Advocate to get instructions in the matter. The learned Government Advocate submitted that Final Report has been filed and the same has been taken on file in PRC No.41 of 2020 on the file of the Judicial Magistrate, Alangulam. Since filing of the Final Report and taking on file of the same had taken place during the pendency of this Criminal Original Petition, I am inclined to mould the relief.

4.This is a case, in which the defacto complainant himself has categorically stated before me that he has never given complaint as claimed by the prosecution. I am exercising jurisdiction under Section 482 of Cr.P.C and I quash the cases, if the matters have been compromised between the parties. If the parties have chosen to amicably resolve the issues, there is no use of keeping the prosecution alive, except quashing the same. But here is a case, where the complainant himself has categorically stated before me that he had never given any complaint against the petitioner. If the matter goes for trial, definitely the defacto complainant is going to stick to the very same version. By continuing the impugned prosecution, we will only be wasting judicial time. Therefore, interest of justice will be served, only by terminating the impugned proceedings. Accordingly, proceedings in PRC No.41 of 2020 on the file of the Judicial Magistrate, Alangulam are quashed and this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Judicial Magistrate, Alangulam.

2.do through The Chief Judicial Magistrate, Tirunelveli.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Inspector of Police,
Pappakudi Police Station,
Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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ARK(CO)

TR(06.11.2020) 3P 5C