



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.10839 of 2020

and

Crl.M.P. (MD)No.4950 of 2020

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... Petitioner/Accused No.1
Vs

1.State represented by

The Inspector of Police
Ambilikkai Police Station
Dindigul District

Crime No.888 of 2020

...1st Respondent/Complainant

2.P.Pandithurai

... 2nd Respondent/Defaco Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to the impugned FIR in Crime No.888 of 2020, pending on the file of the Ambilikkai Police Station, Dindigul District and to quash the same as against the petitioner.

For Petitioner : Mr.G.R.Satish

For R1 : Ms.S.E.Veronica Vincent,
Government Advocate (Crl. Side)

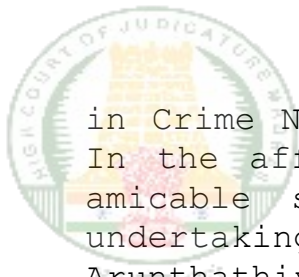
For R2 : Mr.Adithya Vijayalan

O R D E R

Heard the learned counsel on either side.

2.The petitioner is figuring as accused No.1 in Crime No.888 of 2020 registered on the file of the Ambilikkai Police Station, Dindigul District for the offence under Sections 143, 294(b) and 341 I.P.C.

3.The second respondent is the defacto complainant. The impugned First Information Report came to be registered because the accused blocked the passage of the dead of an old lady across a certain pathway. When this Criminal Original Petition for quashing was listed before me for admission, I made it clear that unless the accused filed an affidavit recognising the pathway rights of Arunthathiyar community, I would not be inclined to entertain this petition. I also made it clear that they should have no objection for quashing the counter case. Taking cue therefrom all the accused



in Crime No.888 of 2020 have filed an affidavit before this Court. In the affidavit, it has been stated that in order to ensure an amicable settlement between the two communities, they give an undertaking that they will not interfere with the rights of the Arunthathiyar community for taking their dead bodies through the pathway in question. In other words, the access rights of Arunthathiyar communities to the burial ground will not be objected. Likewise, the petitioner has also no objection for quashing the counter case in Crime No.887 of 2020 registered on the file of the first respondent for the offence under Sections 355 and 506(i) I.P.C.

4.The affidavit filed by the petitioner and others is taken on record. Since the parties have arrived at an understanding, I am of the view that the continuing the impugned prosecution is not warranted.

5.In this view of the matter, Crime Nos. 888 and 887 of 2020 registered on the file of the respondent police stand quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

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:-

The Inspector of Police, Ambilikkai Police Station
Dindigul District

+1 CC to M/s.G.R. SATISH, Advocate (SR-20584[F] dated 20/10/2020)

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