



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 19.02.2020

PRESENT

THE HON`BLE **MR. JUSTICE G.R.SWAMINATHAN**

Crl.O.P (MD).No.15904 of 2016

and

M.P(MD).Nos.7636 and 7637 of 2016

T.A.J.Lamech

... Petitioner/Accuse No.9

Vs

A.Govindaraj

... Respondent/complainant

PRAYER : Petition is filed under Section 482 of Cr.P.C to call for the records relating to the case in P.R.C.No.5/14 on the file of the learned Judicial Magistrate, Mudhukulathur and quash the same in respect of the petitioner/accused.

For Petitioners : Mr.R.Venkateswaran
For Respondent : Mr.S.Prabhu

ORDER

This criminal original petition has been filed to quash the impugned proceedings in PRC No.5 of 2014 on the file of the learned Judicial Magistrate, Mudhukulathur for the offences under Sections 147, 323, 341, 355, 504, 506(ii), 34 r/w 143 IPC and 2(c), 2(d) and 30 of the Human Rights Act. The petitioner is figuring as A9. The respondent is the complainant.

2.The case of the respondent is that there was some dispute regarding the participation of the complainant in the community festival. It is stated that the daughter of the complainant married outside the caste. Therefore, the participation of the complainant was prevented by his brothers. The complainant moved this Court by filing Crl.O.P.No.11527 of 2012 and even obtained an order in his favour. His specific grievance is that the petitioner, who was the then Inspector of Police, had stripped him.

3.The petitioner's counsel would state that before filing the impugned complaint, the complainant had moved the State Human Rights Commission. No such allegation was made against the petitioner before the Human Rights Commission.

4.I felt that the petitioner can give a quietus by expressing his regret to the respondent for whatever had happened in the past. Infact, the petitioner, who is now a Deputy Superintendent of Police, was present in person before this Court. But, the complainant was not present. This case was adjourned for more than one occasion.



5.The learned counsel appearing for the respondent, on instructions, submitted that the complainant had lost his memory. He is not able to understand what was conveyed to him by his learned counsel. Infact on one occasion, the respondent is said to have stated that he did not even file any such complaint. The respondent is not even aware that he is the complainant in PRC No.5 of 2014.

6.This being the present health condition of the complainant, I am of the view that no purpose will be served in keeping the impugned complaint alive. In this view of the matter, the impugned PRC.No.5 of 2014 on the file of the learned Judicial Magistrate, Mudhukulathur has been transferred to District Munsif-cum-Judicial Magistrate, Kadaladi and renumbered as PRC No.23 of 2019 stands quashed. This Criminal Original Petition is allowed accordingly. The benefit of this order will enure in favour of the non-petitioner/accused also. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Rmk

To

1. The Judicial Magistrate, Mudhukulathur.
2. The District Munsif-cum-Judicial Magistrate, Kadaladi.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2 CC to Mr.R.VENKATESHWARAN, Advocate (SR-7252[F]dated 20/02/2020)

ORDER

IN

Cr1.O.P(MD).No.15904 of 2016

and

CRL M.P(MD).Nos.7636 and 7637 of 2016

Date : 19.02.2020

VB(20.03.2020) 2P 6C

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