



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P.(MD)No. 21929 of 2016 and

CRL.M.P.(MD)Nos.11319 & 11320 of 2016

1. V.Seenivasan
2. Thiruppathi @ Thiruppathiraj
3. Suman ... Petitioners/Accused Nos.1 to 3
Vs.

1. State represented by,
The Inspector of Police,
Aruppukottai Town police station,
Virudhunagar District.
(Crime No.189 of 2014) ... Respondent/Complainant

2. A.Arun ... Respondent/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the case in S.T.C.No.119 of 2016 on the file of the Judicial Magistrate, Aruppukottai and quash the same.

For Petitioners : Mr.S.Ramasamy
For R-1 : Mr.A.Robinson,
Government Advocate(Crl. Side).
For R-2 : Mr.Babu Rajendran

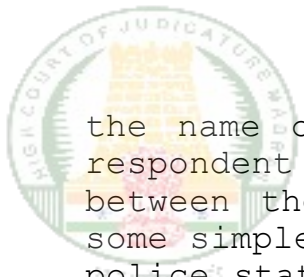
O R D E R

The petitioners are facing trial in S.T.C.No.119 of 2016 on the file of the Judicial Magistrate, Arupukkottai, for the offences under Sections 294(b), 323 and 506(i) of I.P.C.

2. Heard the learned counsel on either side.

3. The defacto complainant is the second respondent herein. It is seen that the second respondent Arun is the son of Seethalakshmi. Seethalakshmi and the first accused Seenivasan were running Sri Siddarth Indane Gas. Dispute has arisen between the two. Therefore, a host of cases have been registered against the either parties at the instance of each other. The case on hand came to be registered following a petty quarrel that took place between both the parties on 07.05.2014.

4. The petitioners' case is that they went to the office of the Village Administrative Officer for the purpose of collecting certain details regarding the Indane Gas Agency godown running in



the name of Sri Siddharth Indane Gas. At that time, the second respondent had also come to the spot and a petty quarrel had arisen between the two. The second respondent appears to have suffered some simple injuries. He lodged a complaint before Aruppukottai Town police station which was registered in Crime No.189 of 2014 for the offences under Sections 294(b), 323 and 506(i) of I.P.C. This First Information Report that culminated in the charge sheet and it was taken on file in S.T.C.No.119 of 2016 on the file of the Judicial Magistrate, Aruppukottai.

5. I am of the view that a petty quarrel has been given a criminal colour. The mother of the defacto complainant Seethalakshmi and the first petitioner, namely, Seenivasan are locked in a bitter litigation. Hence the allegations appear to have been exaggerated.

6. I am of the view that continuance of the impugned prosecution can only be considered as an abuse of legal process and quashing the same would definitely secure the ends of justice. Therefore, the proceedings in S.T.C.No.119 of 2016 on the file of the Judicial Magistrate, Aruppukottai, stand quashed. The criminal original petition stands allowed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

To:

1. The Judicial Magistrate,
Aruppukottai.
2. The Inspector of Police,
Aruppukottai Town police station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.BABU RAJENDRAN, Advocate (SR-2507[F]

+1 CC to M/s.S.RAMASAMY, Advocate (SR-2696[F] dated 23/01/2020)

Cr1.O.P.(MD)No.21929 of 2016

22.01.2020

SMA/05/06/2020/2P/6C