



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.6807 & 7213 of 2016

and

Cr1 MP.(MD)Nos.3430 and 3260 of 2016

Cr1 OP(MD)No.6807 of 2016 :

1.Parvathi
2.Latharani

... Petitioners / Accused Nos.2 & 4

Vs.

1.The State, rep.by the
The Sub Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.
(Crime No.257 of 2015)

...1st respondent / complainant

2.Ramalakshmi

... 2nd respondent / defacto complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C No.197 of 2015 on the file of the District Munsif Court cum Judicial Magistrate, Karaikudi and quash the same.

Cr1 OP(MD)No.7213 of 2016 :

1.Subramanian
2.Ramesh Kumar

... Petitioners / Accused Nos.1 & 3

Vs.

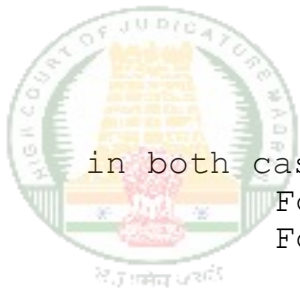
1.The State, rep.by the
The Sub Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.
(Crime No.257 of 2015)

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2.Ramalakshmi

... 2nd respondent / defacto complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C No.197 of 2015 on the file of the District Munsif Court cum Judicial Magistrate, Karaikudi and quash the same.



in both cases :

For Petitioners : Mr.R.Boomirajan
For Respondents : Mr.A.Robinson,
Government Advocate (Crl.Side)

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COMMON ORDER

Heard the learned counsel on either side.

2.These criminal original petitions have been filed for quashing the proceedings in C.C No.197 of 2015 on the file of the District Munsif cum Judicial Magistrate, Karaikudi. The second respondent Ramalakshmi is the defacto complainant. Her specific case is that on the occurrence date, the accused herein abused her in filthy language and also beat her causing simple injuries. Hence, she lodged a complaint before the first respondent leading to registration of Crime No.257 of 2015 on the file of the first respondent. Investigation was taken and final report was filed before the jurisdictional magistrate who took cognizance of the offences under Sections 294(b), 323, 506(i) IPC r/w. TNWH Act.

3.The learned counsel appearing for the petitioner states that the petitioners will execute individual affidavits of apology addressed to the defacto complainant, in which, they will express their sense of regret and remorse for the occurrence and also convey their unconditional apologies in person. They will also take a Demand Draft for a sum of Rs.5,000/- favoring the second respondent. The affidavits will be in two sets. One set will be filed before this Court within a period of two weeks from the date of receipt of a copy of this order. The other set will be handed over to the first respondent along with DD and the first respondent will arrange to have the same passed on to the victim after taking her acknowledgement.

4.Even though the allegations made by the second respondent prima facie constitute offences, by invoking Section 95 of IPC, I am inclined to quash the impugned proceedings. Recording the petitioners' undertaking, this criminal original petitions stand allowed. If the petitioners fail to adhere to the undertaking, the order now passed will stand automatically recalled. Compliance report will be filed by the petitioners before the Registry. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AD-II)

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/ /2020

Sub Assistant Registrar(CS)



1. The District Munsif Judge cum Judicial Magistrate, Karaikudi.

2. The Sub Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.

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

+1 CC to M/s.PR.BOOMEERAJAN, Advocate SR-7769[F] dated 24/02/2020

Cr1 OP(MD) Nos. 6807 & 7213 of 2016
20.02.2020

DB (CO)
TR(08.06.2020) 3P 5C