



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P (MD)No.4806 of 2017

and

Crl.M.P (MD)No.3361 and 3362 of 2017

WEB COPY

1.Ramu

2.Karthick @ Karthikeyan ... Petitioners/ Accused Nos.1 & 5

Vs

1.The Inspector of Police,
Silaiman Police Station,
Madurai.

... Respondent/Complainant

2.S.Arumugam

... Respondent/Defacto complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, the to call for the records pertaining to the proceedings in C.C.No.115 of 2016 on the file of the learned Judicial Magistrate No.II, Madurai and quash the same as illegal.

For Petitioners: Mr.Ayyanar Premkumar

For Respondent : Mr.K.K.Ramakrishnan,

No.1

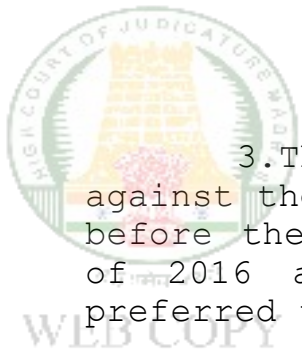
Additional Public Prosecutor

Respondent No.2: Mr.S.Thirupathi

ORDER

The petitioners are accused Nos.1 to 5 in C.C.No.115 of 2016 on the file of the Judicial Magistrate No.II, Madurai filed this petition to quash the proceedings pending against them.

2.The case is arising out a complaint lodged by one S.Arumugam second respondent/defacto complainant as against the petitioners and three others. The first petitioner's daughter married the defacto complainant's elder son Rajasekar in the year 2013 and it was an arranged marriage. Due to misunderstanding between the first petitioner's daughter and her husband, the first petitioner's daughter left the matrimonial house and subsequently, mediation talk also took place to solve the issue amicably. During the mediation, some untoward incident took place, in which, the second respondent/defacto complainant was assaulted, for which the second respondent/defacto complainant lodged a complaint before the first respondent Police in the year 2005 and the same was registered in Crime No.405 of 2015 under Sections 147, 148, 341, 294(b), 323, 324 and 506 (II) IPC as against these petitioners and



3.The respondent Police has also filed a final report, as against these petitioners and three others and the same is pending before the learned Judicial Magistrate II, Madurai in C.C.No.115 of 2016 and to quash the proceedings the petitioners have preferred this criminal original petition.

4.Pending this Criminal Original Petition, the difference between the petitioners and the defacto complainant have been sorted out and the defacto complainant has come forward before this Court to compound the offence made against the petitioners and he also filed an affidavit dated 29.01.2020 to that effect.

5.The learned Additional Public Prosecutor, through, M.Ravichandran, Special Sub Inspector of Police, Silaiman Police Station, Madurai District, who was present before this Court has identified the parties, who are also present before this Court. The learned Counsel for the petitioners has also filed an affidavit along with petitioners' identity proof.

6.Considering the nature of the offence and the relationship between the parties to have a quietus to this issue, the affidavit dated 29.01.2020 filed by the defacto complainant is accepted and it shall also form part of this order.

7.In the result, this petition is allowed. The proceedings pending against the petitioners in C.C.No.115 of 2016 is hereby quashed. Though accused Nos.2 to 4 are not parties before this Court, they were also present before this Court today. The second respondent/defacto complainant would admit that he is not interested in prosecuting the case against accused Nos.2 to 4 also. In view of the final report pending in C.C.No. 115 of 2016 is quashed insofar as the petitioners are concerned based on the affidavit filed by the second respondent / defacto complainant, the benefit of the same shall also stand extended to other accused also. Accordingly, the proceedings in C.C.No.115 of 2016 on the file of the judicial Magistrate No.II, Madurai is hereby quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



- 1.The Judicial Magistrate No.II,
Madurai.
- 2.The Inspector of Police,
Silaiman Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.S.AYYANAR PREMKUMAR, Advocate (SR-7962[F] dated
24/02/2020)

Crl.O.P(MD)No.4806 of 2017
21.02.2020

_KM (05.08.2020) 3P 5C