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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.10.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CRL.OP.NO.29507/2015

AND

MP.NO.1/2015

[VIDEO CONFERENCING]

1.Govindan

2.Uma

... Petitioners/
Accused 1 and 2

Versus

1.Sundaraajan

... Respondent/
Defacto Complainant

2.Station House Officer,

E-5, Arangandanallur Police Station,

Villupuram Village, District - 605752.

... 2nd Respondent/
Complainant

Prayer : -

Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in S.T.C.No.2303/2014, on the file of the Learned Judicial Magistrate, Thirukovilur, and quash the same.

For Petitioners	:	Mr.K.Shakespeare
For R1	:	Mr.A.P.Surya Prakasan
For R2	:	Mr.E.Raj Thilak
		Additional Public Prosecutor

ORDER

- (1) The present petition has been filed taking advantage of Section 482 of Cr.P.C., by the petitioners/A1 and A2 in STC.No.2303/2014 pending on the file of the Court of Judicial Magistrate at Tirukovilur, seeking interference with the further progress of the said case.
- (2) It had been stated that STC.No.2303/2014 had been taken cognizance by the learned Judicial Magistrate at Tirukovilur, for offences punishable u/s.294[B] IPC read



with 506[i] IPC as against the 1st petitioner/A1 and u/s.294 [B] IPC alone as against the 2nd petitioner/A2.

- (3) The occurrence had happened on 05.01.2014 which led to both the participating parties to lodge complaints against each other. On the basis of the complaint given by the 2nd respondent, CC.No.35/2014 had been taken cognizance by the very same Court/Judicial Magistrate, Tirukovilur.
- (4) Both the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the 2nd respondent had forwarded a copy of the judgment therein dated 22.05.2018, whereby the accused therein, have been acquitted of all charges. The 1st respondent herein was the 1st accused therein. His wife was A2 and there was a yet another accused/a lady. The learned Judge had stated that there was no evidence adduced against the accused which indicate that the present petitioners herein who are the defacto complainants, had not come forward to speak about the occurrence which had taken place on 05.01.2014 in the same manner in which they had lodged the complaint before the 2nd respondent police.
- (5) It is clear that neither party are interested in proceeding further with the complaint lodged by each one of them against the other.
- (6) In view of all these facts, particularly because the possibility of conviction is very remote, I hold that driving the parties to trial would only be an act of oppression and they should be spared of such an ordeal.
- (7) Mr.A.P.Surya Prakasam, learned counsel appearing for the 1st respondent is not present today. But, was present in the previous hearing date and he had stated that he is also aware that STC.No.35/2014 had ended in acquittal.
- (8) Proceeding further with the trial would only be in the nature of flogging a dead horse as there would be no realistic witnesses speaking with respect to the allegations they had given in the complaint before the 2nd respondent police.
- (9) Taking all these factors into consideration, I hold that further progress of STC.No.2303/2014 would only be an exercise in futility.
- (10) In the result, the Criminal Original Petition is allowed and the further progress in STC.No.2303/2014 pending on the file of the Court of the Judicial Magistrate, at



Tirukovilur, is quashed. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Judicial Magistrate, Thirukovilur.
2. -do- Thro The Chief Judicial Magistrate, Villupuram.
3. The Station House Officer,
E-5, Arangandanallur Police Station,
Villupuram Village, District - 605752.
4. The Public Prosecutor, High Court, Madras.

+1cc to Mr.K.Shakespeare, Advocate, S.R.No.51867

Cr1.OP.No.29507/2015

GJ(CO)
PM/25/10/2021