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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.19104 of 2021

and

CrI.M.P.No.10449 of 2021

1.P.K.SekarBabu

2.Loganathan @ Kozhi @ Logu

3.U.Ganesan

4.Sarasu @ Saraswathi

5.G.M.Prabhu

...Petitioners

Versus

1.State rep.by

the Inspector of Police

P6 Kodungaiyur Police Station

Chennai 600 118

(Crime No.462 of 2011)

2.P.Kumar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.70 of 2019 on the file of the learned Additional Special Court for trial of cases related to Members of Parliament and Members of Legislative Assembly of Tamil Nadu and quash the same.

For Petitioner : Mr.N.R.Elango
Senior Counsel
for Mr.K.Chandru

For Respondents :Mr.Hassan Mohammed Jinnah
State Public Prosecutor
Assisted by
Mr.A.Damodaran for R1
Additional Public Prosecutor

: Mr.P.Gurunathan for R2
(LW1 to LW4)



O R D E R

The Criminal Original Petition has been filed to call for the records in C.C.No.70 of 2019 on the file of the Additional Special Court for Trial of Cases related to Members of Parliament and Members of Legislative Assembly of Tamil Nadu and quash the same.

2. The case of the prosecution is that on 11.04.2011 at about 10.00 pm, the first petitioner/A1 distributed cash to the voters exhorting them to vote for their party and when the same was confronted by the second respondent/LW1, the first petitioner slapped him and outraged the modesty of LW4. Subsequently, the petitioners 2 to 5/A2 to A5 attacked one Jayapal (LW2), Latha (LW3), and Srinivasan (LW4) with iron pipes and caused injury. Hence, on the complaint of the second respondent/de-facto complainant a case in Cr.No.462 of 2011 was registered against the petitioners. After investigation, final report was filed before the X Metropolitan Magistrate, Egmore for the offences under Sections 147 r/w. 149, 148, 171E, 323, 294(b), 354, 323 and 324 IPC and the same was taken on file in C.C.No.2175 of 2013. Subsequently, the same was committed to II Metropolitan Magistrate, Egmore and once again transmitted to the Additional Special Court for Trial of Cases related to Members of Parliament and Members of Legislative Assembly of Tamil Nadu and taken on file in C.C.No.70 of 2019.

3. The learned counsel for the petitioners submitted that the petitioners earlier made a complaint against LW2 and others for the same occurrence, and hence as a counter blast the present complaint is filed. Though charges were under Section 171E, there is no material for supporting of the same.

4. He further submitted that pending the case, the first petitioner and the defacto complainant (LW1) died. In the meantime, Jayapal (LW2), Latha (LW3), and Srinivasan (LW4) filed separate affidavits stating that they belong to rival party and during the year 2011, the said case was filed only due to political vendatta. No occurrence as alleged in the final report or stated in 161 (3) statements took place. Further, no one sustained any injuries or assault at the hands of the petitioners. Hence, LW2 to LW4 stated that they are not willing to proceed the case further and made a compromise with the petitioners. Hence, the proceedings in C.C.No.70 of 2019 may be quashed.



5. By passage of time, the parties have decided to compromise the dispute amicably among themselves. Affidavits dated 07.10.2021 have been filed by the LW2 to LW4 before this Court and they appeared before this Court. In the Affidavit, it has been stated that since the said case was filed only due to political vendetta. No occurrence as alleged in the complaint had taken place. Hence, they have entered into a compromise and amicably settled their issues in C.C.No.70 of 2019. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

6. Under such circumstances, no useful purpose will be served in keeping the proceedings in C.C.No.70 of 2019 pending. Even though, the offence involved is not compoundable in nature, in the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., inclined to quash the proceedings in C.C.No.70 of 2019.

7. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.70 of 2019, on the file of the Additional Special Court for Trial of Cases related to Members of Parliament and Members of Legislative Assembly of Tamil Nadu, is quashed and the terms of Affidavits, dated 07.10.2021 shall form part and parcel of this order.

*Xerox copy of the Affidavit dated 07.10.2021 is enclosed.

Sd/-

Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

dna

To

1. The Additional Special Court for trial
of cases related to Members of Parliament
and Members of Legislative Assembly of Tamil Nadu.



2.The Inspector of Police
P6 Kodungaiyur Police Station
Chennai 600 118
(Crime No.462 of 2011)

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3.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.19104 of 2021

RP (CO)
CB (15/12/2021)