



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.17168 of 2021

and

Crl.M.P.(MD)Nos.9319 & 9321 of 2021

N.Shanmugam

... Petitioner/ Sole accused

VS.

1.The State represented by
The Inspector of Police,
Thanthonimalai Police Station,
Karur District.
(in Crime No.39 of 2020)

... 1st Respondent/ Complainant

2.K.Umapathy

... 2nd Respondent/
Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to call for the entire records pertaining to the charge sheet filed in C.C.No.164 of 2020 on the file of the learned Judicial Magistrate Court I, Karur and quash the same as illegal.

For Petitioner : Mr.Henri Tiphagne

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor for R1

O R D E R

This Criminal Original Petition has been filed for quashing the proceedings in C.C.No.164 of 2020 on the file of the Judicial Magistrate-I, Karur.

2. The petitioner herein is the sole accused in the said case. He is facing trial for the offences under Sections 294(b), 353 and 506(1) IPC.

3. The case of the prosecution is that on 31.01.2020 at about 11.00 a.m., when the monthly farmers' grievance day was being conducted in the office of the Karur District Collector, the petitioner herein was creating nuisance. He was also said to have used abusive expressions against the defacto complainant. That led



to registration of FIR in Crime No.39 of 2020. The matter was investigated and the final report was filed before the Judicial Magistrate. Cognizance of the offences mentioned above was taken.

4. The learned counsel appearing for the petitioner submitted that even at the FIR stage, the petitioner had filed a petition in Crl.O.P.(MD)No.4305 of 2020 for quashing the FIR. This Court indicated that FIR could be quashed, if the petitioner gives an undertaking. The petitioner expressed his regret for the occurrence and has given an undertaking that he will not indulge in similar conduct in future. It is stated that the petitioner duly filed an undertaking affidavit before this Court on 16.03.2020. However, the final report ignoring the pendency of the quash petition came to be laid on 06.10.2020 before the Judicial Magistrate-I, Karur.

5. When the matter was taken up for hearing, the learned Additional Public Prosecutor appearing for the first respondent submitted that the District Collector has already issued proceedings to withdraw the complaint. In view of the undertaking given by the petitioner before this Court in the previous round and in view of the stand now taken by the learned Additional Public Prosecutor, no purpose will be served in keeping the impugned proceedings alive. The impugned prosecution is quashed.

6. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

csn/mga

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Judicial Magistrate Court-I,
Karur.

2.The Inspector of Police,
Thanthonimalai Police Station,
Karur District.



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

+1 CC to M/s.R. KARUNANIDHI, Advocate (SR-35284[F] dated 22/11/2021

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