



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.17761 of 2021

and

Cr1 MP(MD)Nos.9697 & 9700 of 2021

WEB COPY

1.S.Susila
2.K.Sitthan
3.S.Nirmal

... Petitioners/Accused 1 to 3

vs.

1.State, rep.by
The Inspector of Police,
Thallakulam, Madurai City,
Madurai.
(Crime No.1205 of 2017)

... 1st Respondent/Complainant

2.R.Latha

... 2nd Respondent/De-facto
complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.Pc, to call for the records pertaining to C.C No.482 of 2019 on the file of the Judicial Magistrate/Additional Mahila Court, Madurai against the petitioners and quash the same.

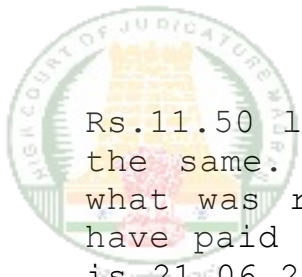
For Petitioner : Mr.Murugaganesan.S
For Respondent No.1 : Mr.T.Senthilkumar,
Additional Public Prosecutor
For Respondent No.2 : Mr.M.Maran for R2

ORDER

This original petition has been filed to quash the proceedings in C.C No.482 of 2019 on the file of the Judicial Magistrate/Additional Mahila Court, Madurai.

2.The learned counsel for the petitioner submitted that he will not press this petition as regards the petitioners 1 and 2 herein. Leaving open their contentions and defence, this criminal original petition is dismissed as against them.

3.The third petitioner herein is figuring as A3 in the said case. It is seen that there is a civil dispute pending between the defacto complainant and the petitioners 1 and 2. According to the defacto complainant, she and her son-in-law advanced a sum of



Rs.11.50 lakhs and that the petitioners 1 and 2 have not re-paid the same. Of course, the petitioners 1 and 2 would claim that what was received was only a sum of Rs.2.00 lakhs and that they have paid more than that. Be that as it may, the occurrence date is 21.06.2017. The defacto complainant had gone to the house of the petitioners 1 and 2 for demanding the money back. The occurrence had taken place during the said time. The third petitioner is none other than the son of the first and two petitioners. Therefore, he appears to have overreacted. In my view, Section 95 of IPC can be pressed into service. The petitioner is aged about 26 years. He had completed his law degree course and he is waiting for enrollment. On account of the pendency of the impugned prosecution, he is unable to get enrolled. The third petitioner is also ready to pay sum of Rs.50,000/- to the defacto complainant.

4. In view of the aforesaid offer made by the third petitioner herein, the impugned proceedings stand quashed as regards the third petitioner alone. I make it clear that invocation of Section 95 of IPC will not be canvassed by the petitioners 1 and 2. They will have to defend the case independently on its own merits. The third petitioner undertakes to pay a sum of Rs.50,000/- directly to the defacto complainant by the end of this month. A Demand Draft favoring the defacto complainant will be taken and handed over to the counsel for the defacto complainant. A memo of compliance shall be filed before the Registry on or before 03.01.2022.

5. This original petition is partly allowed. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

skm

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/Additional Mahila Court,
Madurai.

2.The Inspector of Police,
Thallakulam, Madurai City, Madurai.

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

Copy to

1.The Registrar(Judicial),
Madurai Bench of Madras High Court,
Madurai.

2.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.MURUGAGANESAN, Advocate (SR-37450[F] dated
06/12/2021)

Cr1 OP(MD)No.17761 of 2021

and

Cr1 MP(MD)Nos.9697 & 9700 of 2021

02.12.2021

SRK(CO)

SB(13.12.2021) 3P 7C