



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

Cr1.OP(MD)No.12471 of 2017

and

Cr1.MP.(MD)Nos.8600 & 8601 of 2017

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S.Anwar : Petitioner/Sole Accused

Vs.

1.State through
The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District. :1st Respondent/Complainant

2.S.A.Bazeer Ahmed :2nd Respondent/De-facto Complainant

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for the records relating to the case in C.C.No.94 of 2017 on the file of the learned Judicial Magistrate, Thiruvadanai and quash the same.

For Petitioner : Mr.K.Ramanathan

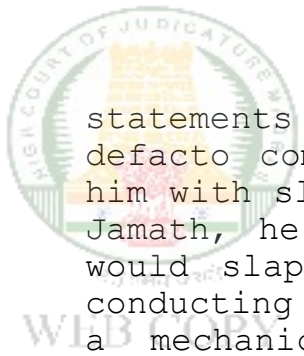
For Respondents : Mr.S.Ravi,
Standing Counsel for the State
for R.1
Mr.R.R.Thamothar Raj
for R.2

ORDER

The petitioner is the sole accused in C.C.No.94 of 2017 pending on the file of the learned Judicial Magistrate, Thiruvadanai and the said proceedings was instituted at the instance of the second respondent in the year 2017 in Crime No.109 of 2017 for the offence under Sections 294(b), 355 & 506(i) IPC. The respondent Police, after conducting the investigation, filed the final report as against the petitioner and the same was also taken on file in C.C.No.94 of 2017 by the learned Judicial Magistrate, Thiruvadanai. Aggrieved over the same, the petitioner is before this Court.

2. The case of the prosecution is that on 05.04.2017 at about 10.00 am, the defacto complainant, while he was standing near the Pallivasal and was chatting with his friends, the petitioner came there, assaulted the defacto complainant with his slipper, abused him with filthy words and also intimidated him with dire consequences. Hence the case.

3. Learned Counsel for the petitioner, by relying upon the
<https://hcservices.ecourts.gov.in/hcservices/>



statements made by the defacto complainant, would submit that the defacto complainant has stated as if the petitioner has assaulted him with slipper on 05.04.2017, whereas, when he was enquired by the Jamath, he has stated that the petitioner intimidated him that he would slap with slippers. However, the respondent police without conducting a proper enquiry, has proceeded with the investigation in a mechanical manner, based on the statement of the defacto complainant and have filed the final report as against this petition that he has assaulted the defacto complainant with slippers.

4. Today, the petitioner as well as the second respondent / defacto complainant submitted that both the parties belong to the same Jamath and on the intervention of the Jamath elders, they have settled their issues amicably. In fact, the petitioner has admitted that he has uttered some words as against the defacto complainant in a fit of anger and he has also taken apology for the same by writing a letter and sending the same to the defacto complainant in a registered post.

5. Learned Counsel for the second respondent / defacto complainant has also admitted the same and would submit that in view of the apology taken by the petitioner, the second respondent is not inclined to proceed with the prosecution any further.

6. The charges framed against the petitioner are for the offence under Sections 294(b), 355 & 506(i) IPC and the final report has been filed as if the petitioner has assaulted with slippers, when a stand has been taken by the second respondent himself before the Jamath that he has only uttered such words in a fit of anger. Since both the parties submitted that they have settled their disputes amicably, in view of the apology taken by the petitioner and since the defacto complainant has expressed his disinclination to proceed with the prosecution, no useful purpose would be achieved by allowing the trial to proceed further. Therefore, this Court is inclined to quash the impugned charge sheet, by recording the compromise arrived upon between the parties.

7. In the result, the proceedings in C.C.No.94 of 2017 on the file of the learned Judicial Magistrate, Thiruvadanai, is hereby quashed and accordingly, this criminal original petition stands allowed. Consequently, connected miscellaneous petitions stand closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar(CS)



To

- 1.The Judicial Magistrate,
Thiruvadanai.
- 2.The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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