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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NOS.2861 AND 2862 OF 2022

Cr1.O.P.No.2861 of 2022:

K.Jayashankar

...Petitioner

Versus

1.State Rep. by its,  
The Inspector of Police,  
M-6, Manali Police Station (L&O),  
Chennai  
(Crime No.346 of 2009)

2.N.Tulsidasan

...Respondents

Prayer : This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records in C.C. No.433 of 2009 on the file of learned Judicial Magistrate, Thiruvottriyur at Chennai in Crime No.346 of 2009 on the file of the Inspector of Police, M6 Manali Police Station, Chennai and quash the entire proceedings.

Cr1. O.P. No.2862 of 2022:

1.K.Jayashankar  
2.N.Anandan  
3.S.Baskaran  
4.T.Anthony Doss  
5.A.Chandrasekar  
6.K.Rajan  
7.M.Veerakumar  
8.J.Parthiban  
9.D.Vijayakumar  
10.N.Murugan  
11.Moses Solomon  
12.S.Kumar



13.D.Vijaya Shankar

14.D.Nilavazhagan

15.K.Yuvabharathy

...Petitioners

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Versus

N.Tulsidasan

...Respondent

Prayer: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records in C.C. No.56 of 2011 on the file of learned Judicial Magistrate, Thiruvottriyur at Chennai and quash the entire proceedings.

For Petitioners

In both CrI.O.Ps

: Mr.R.Vivekananthan

For Respondent-1 in

CrI.O.P.No.2861 of 2022

: Mr.E. Raj Thilak

Additional Public Prosecutor

For Respondent-2 in

CrI.O.P.No.2861 of 2022

and

Respondent in

CrI.O.P.No.2862 of 2022

: Presented through V/C.

#### COMMON ORDER

CrI.O.P.No.2861 of 2022 has been filed to call for the records relating C.C.No.433 of 2009 on the file of the Judicial Magistrate, Thiruvottiyur and quash the same.

2. CrI.O.P.No.2861 of 2022 has been filed to call for the records relating C.C.No.56 of 2011 on the file of the Judicial Magistrate, Thiruvottiyur and quash the same, which is the private complaint prosecuted by the respondent.

3. In the year 2009, there was some dispute between the office bearers and members of the Madras Fertilizers Staff Union. The de-facto complainant, N.Tulasidasan was the Treasurer and the accused K.Jayashankar was the President of the Union. The other petitioners in CrI.O.P.No.2862 of 2022 were the members of the Union. Due to some misunderstanding between the Union Members and the Treasurer, there were some heated arguments, commotion and push and pull, for which, a complaint was lodged by N.Tulasidasan and a case in Crime No.346 of 2009 against K.Jayashankar, came to be registered for the offences under Sections 341, 323 and 506 (Part-I) of I.P.C. On conclusion



of the investigation, charge sheet was filed in C.C. No.433 of 2009, pending Trial before the Judicial Magistrate, Tiruvottriyur. After filing of the charge sheet, the de-facto complainant came to know that, though he gave complaint against other persons, no investigation was done. For this reason the de-facto complainant/N.Thulasidan filed a private complaint against the petitioners in C.C. No.56 of 2011.

4. Now, after passage of time, some staff employees of the Union are now promoted, became Executives. Further, the dispute got resolved and they are working in the same Company together for all these years, forgetting all past disputes and cordiality restored. In view of the same, N.Tulasidasan had come forward for compounding the offences and withdrawing the cases against the petitioners in both cases in C.C. No.433 of 2009 and C.C. No.56 of 2011.

5. Both the petitioners and respondents are present through video-conferencing.

6. Mr. E.Raj Thilak, learned Additional Public Prosecutor appearing for the first respondent police confirms that they all belong to Staff Union and there was some dispute between them in the year 2009 and thereafter, now the dispute got resolved and cordiality restored and all are working together peacefully and harmoniously.

7. In view of the above development, this Court is inclined to quash both C.C. No.433 of 2009 and C.C. No.56 of 2011. Accordingly, these Criminal Original Petitions stand allowed and as a sequel, the proceedings in C.C. No.433 of 2009 and C.C.No.56 of 2011 pending on the file of learned Judicial Magistrate, Thiruvottriyur, are quashed Consequently, connected Criminal Miscellaneous Petitioner is closed, if any.

Sd/-

Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

ab/srn

To

1.The learned Judicial Magistrate,  
Thiruvottriyur, Chennai

2.The Inspector of Police,  
M-6, Manali Police Station (L&O),  
Chennai.



3.The Public Prosecutor,  
High Court, Madras.

+2ccs to M/s.Vivekanandan, Advocate Sr.No.7975, 7977

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Cr1.O.P.Nos.2861 and 2862 of 2022

KSM(CO)  
RVM(16/02/2022)