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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.01.2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.Nos.27219 & 28798 of 2017
and Crl.M.P.No.15608 of 2017
and 3827 & 3828 of 2018

1.Asiya Begum
W/o. Sadhiq Basha

2.Sadhiq Basha
S/o. Abdul Sukur

... Petitioners/ Accused 1 & 2
in Crl.O.P.No.27219 of 2017

1.Prasad Kumar
S/o. V.Gopal

2.Sekar
S/o. R.Durai Kannan

... Petitioners/ Accused 3 & 4
in Crl.O.P.No.28798 of 2017

Versus

1.The State
Represented by the Inspector of Police,
Mannarkudi Town Police Station,
Mannarkudi,
Thiruvarur District.
(Crime No.87/ 2016)

... Respondent/ Complainant

2. Karthikeyan

... Respondent/ De facto Complainant
in both Crl.OPs.

COMMON PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C to call for the records in C.C.No.1 of 2017 pending on the file of the Judicial Magistrate Court - I, Mannarkudi, Thiruvarur District and to quash the same.



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For Petitioners ... Mr.M.A.Gowthaman
for M.A.Muthalakan
in Crl.O.P.No.28798 of 2017

Mr.S.Swamidoss Manokaran
in Crl.O.P.No.27219 of 2017

For Respondents ... Mr.R.Kishore Kumar
Government Advocate (Crl. Side) R1
in both Crl.OPs.

Mr.T.N.Bhuvaneswaran for R2
in both Crl.OPs.

C O M M O N O R D E R

These petitions have been filed to quash the proceedings in C.C.No.1 of 2017 pending on the file of the Judicial Magistrate Court - I, Mannarkudi for the offences under Sections 147, 406, 420, 294(b) and 506(i) of IPC.

2. The crux of the allegation in the final report is that Accused 1 and 2 had received a sum of Rs. 50,000/- (Rupees Fifty Thousand Only) from the de facto complainant under the pretext of getting a MLA seat in a particular political party, but the same was given a go by and when the de facto sought refund of the amount, all the accused joined together, threatened and abused the de facto complainant and thereby, the prosecution has been launched. The entire dispute is with regard to the payment of Rs.50,000/-.

3. The learned counsel appearing on behalf of the petitioners submitted that the matter has been settled out of Court and he has also filed a memo on behalf of the petitioners/ accused stating that the petitioners have already paid a sum of Rs.50,000/- (Rupees Fifty Thousand Only) by way of a Demand Draft dated 12.01.2022 bearing No.553418 drawn on Kotak Mahindra Bank, Mylapore Branch, Chennai.

4. The learned counsel appearing for the de facto complainant submitted he has received the amount from the petitioners/ accused and is not willing to proceed further in this case.

5. As the entire dispute between the parties which led to the filing of final report has been settled out of Court and a memo has also been filed before this Court, this Court, taking note of the fact that in the final report, except the general allegation of alleged threat and abuse, there is no other



serious allegation, is of the view that mere threat will not constitute an offence under Section 506(2) IPC of IPC. Similarly, there are no other serious allegations to proceed against these petitioners for other offences also. As the matter has been amicably settled, there is no purpose in continuing the prosecution. In such view of the matter, this Court is of the view that continuation of the prosecution will not serve any purpose.

6. Accordingly, these Criminal Original Petitions are allowed and the final report in C.C.No.1 of 2017 pending on the file of the Judicial Magistrate Court - I, Mannarkudi is quashed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

gpa/gba

To

1.The Judicial Magistrate Court - I,
Mannarkudi.

2.-do- through The Chief Judicial Magistrate,
Thiruvarur.

3.The Inspector of Police,
Mannarkudi Town Police Station,
Thiruvarur District.

4.The Public Prosecutor,
Madras High Court, Chennai.

+2ccs to Mr.M.A.Muthalakan, Advocate SR. Nos.4356, 4511

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and Crl.M.P.Nos.15608 of 2017 and
3827 & 3828 of 2018

RR (CO)
PR (09/02/2022)