



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.8643 of 2021

and

Crl.M.P. (MD)Nos.4431 and 4432 of 2021

Stephen ... Petitioner
Vs.

1.The Inspector of Police,
Kollemcode Police Station,
Kanyakumari District.
(In Crime No.656 of 2020)

2.Aneesh,
Village Administrative Officer,
Kollemcode,
Kanyakumari District.

3.The Junior Engineer,
Public Works Department,
Kollemcode,
Kanyakumari District.

... Respondents

(R3 is suo motu impleaded as per order dated
01.12.2021 in Crl.O.P.(MD)No.8643 of 2021 by
GRSJ)

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in P.R.C.No.23 of 2020 pending on the file of the Judicial Magistrate No.II, Kuzhithurai and may quash the same against this petitioner.

For Petitioner : Mr.K.P.Narayanakumar
For Respondents : Mr.T.Senthil Kumar,
Addl. Public Prosecutor

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents.

2.The petitioner is said to have encroached and also damaged a water body. That led to registration of Crime No.656 of 2020 on the file of Kollemcode police station. The case was charge sheeted and



taken on file as P.R.C.No.23 of 2020 on the file of the learned Judicial Magistrate No.II, Kuzhithurai. At this sage, the petitioner came before this Court for quashing the proceedings.

3.I made it clear that unless the petitioner set right and unless he does undo the entire wrong, this Court will not be inclined to take up the matter for hearing. The case was adjourned to enable the petitioner to set right the wrong.

4.Today, when the matter was taken up for hearing, the learned Government Advocate (Crl. Side) produced a certificate issued by the Junior Engineer, PWD, Neyyar Section-II, Kuzhithurai stating that the petitioner at his own cost had set right the damage to the water body to the length of 175 metres. Since the accusation made against the petitioner had already been set right, continuance of the impugned prosecution is not warranted. The impugned proceedings stand quashed and the criminal original petition is allowed. The benefit of this order will enure in favour of the non-petitioning accused also. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (A.D.I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ias

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 No.II,
Kuzhithurai.
- 2.The Inspector of Police,
Kollemcode Police Station,
Kanyakumari District.
- 3.The Junior Engineer,
Public Works Department,
Kollemcode,
Kanyakumari District.



4.The Village Administrative Officer,
Kollemcode,
Kanyakumari District.

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

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-3797[F] dated
02/02/2022)

Crl.O.P (MD)No.8643 of 2021
01.02.2022

RD(17.02.2022) 3P 7C