



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P.(MD)No.13073 of 2021 and

CRL.M.P.(MD)No.6717 of 2021

Swarnalatha

... Petitioner / Sole Accused

Vs.

1. The Inspector of Police,
Tenkasi police station,
Tenkasi District.
(Crime No.496 of 2020)

... Respondent No.1 /Complainant

2. S.Sudalaimuthu

... Respondent No.2/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the First Information Report in Crime No.496 of 2020 dated 19.12.2020 on the file of the first respondent and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy

For R-1 : Mr.M.Sakthi Kumar,
Government Advocate.

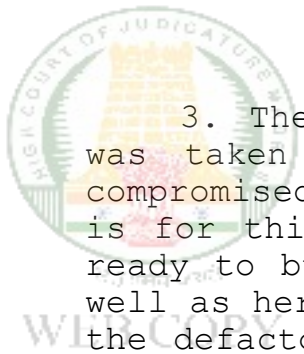
For R-2 : Mr.S.Sudalaimuthu,
Party-in-Person.

* * *

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first respondent and the second respondent in person.

2. This criminal original petition has been filed by Dr.Swarnalatha who is figuring as the first accused in Crime No.496 of 2020 registered on the file of Thenkasi police station for the offences under Sections 147, 294(b), 341, 342, 323, 352, 427 and 506 (1) of I.P.C.



3. The defacto complainant is S.Sudalaimuthu. When the matter was taken up for hearing, I suggested that the issues can be compromised, if the accused say sorry to the defacto complainant. It is for this reason, the case was adjourned. Both the parties were ready to bury the hatchet in my presence. Though the petitioner as well as her husband and also their driver were ready to say sorry to the defacto complainant, a few moments before a formal meeting the defacto complainant informed me that he will be happy to withdraw the complaint given against the accused and that he is not pressing for any formal apology.

4. I greatly appreciate the gesture shown by the defacto complainant. However, at my request he was present in the meeting. When the defacto complainant was about to leave, the husband of the petitioner herein rose from his seat and went to the defacto complainant and warmly shook his hands. The petitioner's husband is also a surgeon and has his own nursing home. He has considerable social standing.

5. Since the parties have amicably resolved the issues between themselves, the impugned First Information Report is quashed in toto. The benefit of this order will enure not only in favour of the petitioner but also in favour of the non-petitioning accused also.

6. It is seen that against the defacto complainant, a counter complaint was given and the same was closed as mistake of fact. The petitioner has filed a protest petition before the jurisdictional Court. The petitioner Dr.Swarnalatha states that she is not pressing the said protest petition. In view of the said submission, the proceedings against the defacto complainant stand closed.

7. This criminal original petition is allowed on these terms. Consequently, connected miscellaneous petition is closed.

Sd/-

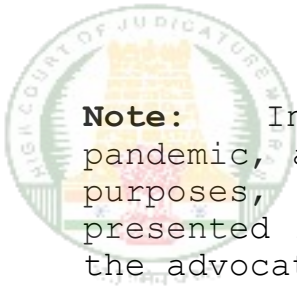
Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU



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.

WEB COPY

To:

1. The Inspector of Police,
Tenkasi police station,
Tenkasi District.
 2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.T.LAJAPATHI ROY, Advocate(SR-9268[F] dated 01/03/2022)

Order made in
Crl.O.P. (MD)No.13073 of 2021 and
CRL.M.P. (MD)No.6717 of 2021

28.02.2022

Vk(12/03/2022) 3P C