



Crl.O.P.(MD)No.13145 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 20/04/2022

Pronounced on : 19/04/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.13145 of 2019
and
Crl.MP(MD)No.8069 of 2019

Ganesan : Petitioner/A3

Vs.

S.Uma Devi : Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in CC No.166 of 2014 pending on the file of the Judicial Magistrate No.II, Karur and quash the same as against the petitioner.

For petitioner : Mr.P.Ganapathi Subramanian

For Respondent : No appearance

O R D E R

This criminal original petition is filed seeking quashment of the case in CC No.166 of 2014 pending on the file of the Judicial Magistrate No.II, Karur.



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2.The case of the prosecution is that the respondent, who is the complainant, filed a private complaint with the following allegations:-

The complainant herein along with her husband lodged a complaint against one Marayee and her husband stating that they have appeared as legal advisers on behalf of one Palaniappan with regard to issue of sharing of water with the above said Marayee and her husband. There was a compromise, on 31/07/2013 at the instance of the the Sub Inspector of Police, by name Baby Uma. On 31/07/2013 at about 9.30 pm, A1 was in a drunken mood along with A2 have trespassed into her house and stated that they will not comply the compromise, that was reached in the police station. Noting that A1 is in a drunken mood, her husband asked her not to talk with them. At that time, A1 tried to assault him with knife. At that time, one Nallasivam and Sridhar prevented them. At that time, both the accused criminally intimidated her. It was intimated to the police, on 01/08/2013 at about 8.30 pm. They went to the police station. Since the Sub Inspector of Police was not available, again they went, on 02/08/2013 at 8.30 am. A3 received the complaint and asked them to come in the evening. At about 7.00 pm, when they went to the station,



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they found A1, A2 and A3, asked A4 to register the FIR. A1 and A2 were also let off. But however, only FIR has been registered, but the accused were not arrested and remanded. Even though, she contacted A3 and A4 over phone, they did not attend the call. A3 and A4 did not take any action as per law. The anticipatory bail, that was filed by A1 and A2 was dismissed, on 13/08/2013. Later, she found that charge sheet has been filed, on 13/08/2013 by deleting sections 294(b), 448 and 506(ii) IPC. Investigation was not properly undertaken. The case records were also been created. So, the accused persons have not discharged their official duty and they have committed the offences punishable under sections 109, 120(B), 166, 201, 217, 218, 219 and 221 IPC. A1 and A2 also paid fine before the Judicial Magistrate No.2, Karur. Subsequent to the above said occurrence, on 18/08/2013 at about 7.00 am, A1, A2 and A5 came to her house and criminally intimidated. A1 abused them in filthy language. With these allegations, the private complaint was filed against the accused persons.

3. Seeking quashment of the same, A3 has filed this petition.



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4.Heard the learned counsel appearing for the petitioner.

5.Since the matter is of the year 2014, a report has been called for from the trial court as to the stage of the trial. The trial Judge has submitted a report stating that the proceedings against A1, A2 and A5 were quashed by this court Crl.OP(MD)No.77 of 2015. Against the above said quashment order, the complainant filed SLP before the Hon'ble Supreme Court and it is pending. But no order copy was produced. So on that ground, the matter has been repeatedly got adjourned.

6.The status report shows that SLP, that was stated to be filed by the complainant before the Hon'ble Supreme Court was found to be defective and that was not represented, even after the expiry of 90 days. The subsequent order is also not available on record. So, this is the background of the case.

7.But perusal of the order passed in Crl.OP(MD)No.77 of 2015 shows that A1, A2 and A5 made a submission before this court that they are willing to tender their apology for their behaviour. That was also accepted by the



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complainant. So on that basis, the criminal proceedings against A1, A2 and A5 were quashed. But on what ground, SLP has been preferred before the Hon'ble Supreme Court is not clear on record.

8.Now whatever it may be, the reason for the occurrence said to have taken place, on 18/08/2013 has been condoned, because of the apology tendered by the accused persons. So nothing survives for further trial. This petitioner was working as Inspector of Police and the allegation against him is that he fabricated the evidence and false documents and also failed to follow the due process of law. So the original cause of action itself has not survived because of quashment of the order. So the respondent cannot go back to the original cause of action. So, I am of the considered view that even though A4 is not before this court, what applies to the petitioner/A3 equally applies to A4 also.

9.In the result, this petition is **allowed**. The impugned CC No.166 of 2014 pending on the file of the Judicial Magistrate No.II, Karur is quashed not only



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against the petitioner, but also A4. Consequently,
connected Miscellaneous Petition is closed.

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19.07.2022

Internet:Yes/No
Index:Yes/No
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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.

G . ILANGO VAN , J . ,

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