



Crl.O.P.(MD) No.16709 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 19.09.2022

PRONOUNCED ON : 02.12.2022

CORAM

THE HON'BLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

CRL.O.P(MD)No.16709 of 2022
and

Crl.M.P(MD)Nos.11161 and 11164 of 2022

Thermal Raja @ Perumal Raja

...Petitioner

-vs-

1.The State represented by the
Inspector of Police,
SIPCOT Police Station, Thoothukudi,
Thoothukudi District.
(in Cr.No.141 of 2018)

2.Prabakaran

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the entire records pertaining to the impugned proceedings in C.C.No.496 of 2022 on the file of the learned Judicial Magistrate Court No.III, Thoothukudi and to quash the same as against the Petitioner is concerned.

For Petitioner
For R1

:Mr.R.Karunanidhi
:Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

For R2

:Mr.M.Bazeerseen



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ORDER

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This Criminal Original Petition had been filed to quash the charge sheet in C.C.No.496 of 2022 pending on the file of the Court of learned Judicial Magistrate No.III, Thoothukudi, as against the Petitioner is concerned.

2.The learned Counsel for the Petitioner submitted that the Petitioner and the De-Facto Complainant had arrived at a compromise. Further, it is the contention of the learned Counsel for the Petitioner that the Petitioner was not at all in the place of occurrence, but his name had been included in the charge sheet in C.C.No.496 of 2022. The Petitioner is the elected Office Bearer of Tamil Nadu Vanigar Sangam in Tuticorin, for many years. He had actively participated in the closure of Sterlite Copper Unit. He had also completed integrated five years B.A., L.L.B., at Andhra University and is unable to enrol his degree due to the criminal case pending against him. The management of Sterlite Copper Unit with an ulterior motive had impleaded the Petitioner in the FIR. The De-Facto Complainant is the reporter of Puthiyathalaimurai.



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4.In support of his contention, the learned Counsel for the Petitioner had furnished an affidavit of the De-Facto Complainant, who had covered the protest by the public of Tuticorin against the Sterlite Copper Unit. The Journalist, who had lodged the complaint, had himself given a notarized affidavit stating that the Petitioner was not at all involved in the attack on the journalist, based on which, the FIR in Cr.No.141 of 2018 was registered by the SIPCOT Tuticorin Police Station. The De-Facto Complainant specifically states that he had known the Petitioner for more than 20 years. He is a Trader. He is the office bearer of the Traders' Association of Tuticorin. The learned Counsel for the Petitioner submitted that since the Petitioner is known to the De-Facto Complainant, the De-Facto Complainant might have clearly stated the name of the Petitioner in the complaint. However, the De-Facto Complainant does not mention the Petitioner's name in the complaint. Hence, the learned Counsel for the Petitioner seeks to quash the charge sheet.

5.The learned Additional Public Prosecutor vehemently objected to quash the charge sheet stating that in 161(3) Statement, the name of the Petitioner is clearly mentioned including the De-Facto Complainant had mentioned the name of the Petitioner. The learned



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Additional Public Prosecutor further submitted that what are all argued by the learned Counsel for the Petitioner is subject to evidence before the Trial Court. This Court exercising the extraordinary power under Section 482 of Cr.P.C., cannot consider what is evidence and what is defence of the accused before the Trial Court.

6.The learned Counsel for the second Respondent entered appearance by filing vakalat and stated that the second Respondent had entered into compromise with the Petitioner. A notarised affidavit of the second Respondent is also filed, wherein, the second Respondent had stated that he had filed the notarised affidavit regarding the amicable settlement.

7.On perusal of the affidavit filed on behalf of the second Respondent/De-Facto Complainant, it is found that the Petitioner had amicably settled the dispute with the second Respondent/De-Facto Complainant and it was also conceded by the second Respondent.

8.In the light of the above, this Petition is allowed and the C.C.No.496 of 2022 pending on the file of the Court of learned Judicial Magistrate No.II, Thoothukudi, is quashed only against the Petitioner.



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The learned Judicial Magistrate No.II, Thoothukudi, shall proceed with the trial in C.C.No.496 of 2022 as against the other accused.

In the result, this Criminal Original Petition is allowed. The case in C.C.No.496 of 2022 pending on the file of the learned Judicial Magistrate No.III, Thoothukudi, is quashed as against the Petitioner only. The learned Judicial Magistrate No.III, Thoothukudi, shall proceed with the trial in C.C.No.496 of 2022 against the other accused. Consequently, connected Miscellaneous Petitions are closed.

02 .12.2022

Index:Yes/No

cmr

To

1.The Judicial Magistrate Court No.III, Thoothukudi.

2.Inspector of Police,
SIPCOT Police Station, Thoothukudi,
Thoothukudi District.

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

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SATHI KUMAR SUKUMARA KURUP, J.

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Pre-Delivery Order made in
CRL.O.P(MD)No.16709 of 2022

02.12.2022