



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.20865 of 2023
and Crl.MP.Nos.14306 and 14307 of 2023

Ayyappan, M/A-31 Y
S/o.Rajendran

.. Petitioner/Accused -5

.Vs.

1.The Inspector of Police
Marakkanam Police Station
Villupuram District.
(Crime No.414 of 2018)

.. Respondent/Complainant

2.Maheswawran
S/o.Selvaraj
Village Administrative Officer
Koonimedu Village
M.Pudupakkam Village (incharge)
Villupuram District.

..Respondent/de facto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.25 of 2023, on the file of the learned Judicial Magistrate No.II, Tindivanam, Villupuram District and quash the proceedings therein.

For Petitioner : Mr.A.Murugavel

For Respondents: Mr.A.Gopinath
Government Advocate (Crl.side)



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ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.25 of 2023, pending on the file of Judicial Magistrate No.II, Tindivanam, Villupuram District.

2.The case of the prosecution is that on 13.10.2018, one Tr.Balasubramanian died in the Village. His dead body was taken through the regular passage to the burial ground. At that point of time, the accused persons are said to have stopped the procession and had created a law and order problem. When the same was questioned by the authorities, the accused persons prevented them from doing their duty. Thereafter, the accused persons also caused threat to the authorities. Based on the complaint given by the 2nd respondent, the FIR came to be registered in Crime No.414 of 2018. On completion of investigation, the final report has been filed as against 20 accused persons and the same has been taken cognizance by the Court below for offence u/s.143, 188, 341, 294(b), 353, 506(i) and 307 IPC.

3.When the matter came up for hearing on 21.9.2023, this Court directed the learned Government Advocate (Crl.side) to take instructions and ascertain the present status in that area.



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4. When the matter was taken up for hearing today, the learned Government Advocate (Crl.side) submitted that it was a solitary incident and there was no further law and order problem created by the accused persons.

5. The learned counsel for the petitioner submitted that a Peace Committee Meeting was conducted after the incident by the Sub Collector, Tindivanam and various resolutions were passed. The understanding that was reached between both sides was also recorded in the proceedings dated 22.10.2018.

6. In the considered view of this Court, the entire incident had taken place in the spur of the moment. The parties have also reached some understanding by virtue of the Peace Committee Meeting conducted by the Sub Collector. That apart, no incident had taken place in this regard. Therefore, the continuation of the criminal proceedings will not be in the best interest of both the parties. The facts of the present case can be brought within the scope of Section 95 of IPC.

7. In the light of the above discussion, the proceedings in C.C.No.25 of 2023, pending on the file of Judicial Magistrate No.II, Tindivanam, Villupuram



District, is hereby quashed in its entirety and this criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

27.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
KP



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To

- 1.The Inspector of Police
Marakkanam Police Station
Villupuram District.
- 2.Maheswawran
S/o.Selvaraj
Village Administrative Officer
Koonimedu Village
M.Pudupakkam Village (incharge)
Villupuram District.
- 3.Judicial Magistrate No.II,
Tindivanam, Villupuram District.
- 4.The Public Prosecutor
High Court, Madras.



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N. ANAND VENKATESH, J.

KP

Crl.O.P No.20865 of 2023

27.09.2023