



Crl.O.P(MD).Nos.5319 and 5320 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD). Nos.5319 and 5320 of 2021

Crl.O.P.(MD) No.5319 of 2021:

- 1.M.Murugavel
- 2.N.Balakrishnan
- 3.Premkumar
- 4.P.Sivakumar
- 5.Thiyagarajan

... Petitioners

Vs.

1. The State rep. by its,
The Inspector of Police,
Kannivadi Police Station,
Dindigul District.
(Crime No.330 of 2015)

... Respondent
/Complainant

- 2.K.Praveenkumar

... Respondent
/De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.

praying to call for the records pertaining to Crime No.330 of 2015, dated 14.09.2015 on the file of the first respondent Police, and quash the same.



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For Petitioner : Mr.M.Anbarasan
For Respondents : Mr.P.Kottachamy for R1
Government Advocate (Crl. Side)
: Mr.A.Arul Jenifer for R2

Crl.O.P.(MD) No.5320 of 2021:

1.Mahudeeswaran
2.K.Kallimuthu @ Kalliyappan
3.P.Ramar
4.S.Boomiraj ... Petitioners

Vs.

1.The Inspector of Police,
Kannivadi Police Station,
Dindigul District.
(Crime No.331 of 2015) ... 1st Respondent
/Complainant
2.Murugavel ... 2nd Respondent
/De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records pertaining to Crime No.331 of 2015, dated
14.09.2015 on the file of the first respondent Police, and quash the same.



Crl.O.P(MD).Nos.5319 and 5320 of 2021

For Petitioner : Mr.A.Arul Jenifer

For Respondents : Mr.P.Kottachamy for R1
Government Advocate (Crl. Side)

: Mr.M.Anbarasan for R2

COMMON ORDER

These petitions have been filed seeking to quash the proceedings in Crime Nos.330 and 331 of 2015, dated 14.09.2015 on the file of the first respondent Police as against the petitioners.

2.The case of the prosecution is that on 13.09.2015 at about 10.00 p.m., the second respondent in both the petitions along with his friends have found that the petitioners and others were passing through Karisalkadu. The same was questioned by them about the reason for their presence in the said place at an odd hour, the petitioners are said to have scolded the second respondent in filthy language and attacked him with a wooden stick. On the basis of the complaint given by the second respondent, the first respondent Police registered a case in Crime Nos. 330 and 331 of 2015, for the offence under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC. To quash the same, the present petitions have been filed.



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3. The petitioners filed this petition to quash the proceedings.

Pending the same, the petitioners amicably settled their dispute with the second respondent.

4. The petitioners and the 2nd respondent appeared before this Court along with their respective counsel and also produced their Aadhar cards. They were also identified by the learned Additional Public Prosecutor and the Investigation Officer.

5. Considering the totality of the circumstances and in view of the fact that the petitioners amicably settled their dispute with the second respondent, this Court is of the opinion that no useful purpose would be served by driving the petitioners to face the trial. Even though some of the offences are non-compoundable, considering that the dispute is only between the villagers, this Court is inclined to quash the proceedings in the interest of justice.



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6. In the result, these Criminal Original Petitions stand allowed and the entire proceedings in Crime Nos.330 and 331 of 2015, on the file of the second respondent Police, is hereby quashed in respect of the petitioners. It is needless to say that this Court exercises the jurisdiction under Section 482 of Cr.P.C., considering the special circumstances of the case. Further, it is made clear that this judgment cannot be treated as a precedent.

19.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sbn

Note: Issue order copy on 08.01.2025

To

1. The Inspector of Police,
Kannivadi Police Station,
Dindigul District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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