



W.P(MD)No.13362 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13362 of 2015
and
M.P.(MD)Nos.1 and 2 of 2015

S.Shanmugasundari

... Petitioner

Vs.

1.The State Rep. by
Inspector of Police,
Tirumangalam Town Police Station,
Madurai District.

2.S.Paranthaman

3.K.Rajkumar

4.P.Nagarajan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the award passed by the Mega Lok Adalat in LA.No.2061/2013 dated 23.11.2013 quash the same and restore the criminal case taken cognizance as C.C.No.179 of 2013 in Crime



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No.448/13 under Section 294(b), 452, 355, 506(i) IPC and Section 4 of Tamilnadu Women Harassment Act on the file of the 1st respondent police to consider before the Learned Jurisdictional Magistrate to its logical conclusion.

For Petitioner : No appearance

For Respondents : Mr.A.Albert James,
Government Advocate for R1.
Mr.A.Jayaramchandran for R2.
No appearance for R3 & R4.

ORDER

Heard the learned Government Advocate for the first respondent and the learned counsel for the second respondent. The learned counsel for the petitioner is no more.

2.The petitioner lodged a complaint before the Sub-Inspector of Police, Town Police Station, Thirumangalam on 25.05.2012. No action was taken. She took up the matter with the Superintendent of Police, Madurai District. Since no action was taken, he filed



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CrI.O.P.(MD)No.2641 of 2013. It was disposed of on 09.04.2013.

Thereafter, Crime No.448 of 2013 was registered on the file of the first respondent police station. Final report was filed. The case was taken on file in C.C.No.179 of 2013 on the file of Judicial Magistrate, Thirumangalam. The matter was referred to Mega Lok Adalat. On the said date, award was passed as if the matter was amicably settled on 23.11.2013. In terms of the said award, the accused also paid the expenses to the tune of Rs.1,400/-. The case was disposed of accordingly and the accused was acquitted. Challenging the same, the present writ petition came to be filed.

3.It is true that petty criminal cases can be disposed of before the Lok Adalat. But then, there must be consensus between the parties concerned. In this case, it is the petitioner who was the defacto complainant. It was not a case between the police on the one hand and the accused on the other. The actual stakeholder was the writ petitioner. Without involving her or associating her, the award came to be passed. The award is illegal and it is set aside. The writ petition is allowed. C.C.No.179 of 2013 shall be restored to file. The learned Judicial



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Magistrate, Thirumangalam shall issue notice to the accused and disposed of the case on merits and in accordance with law. No costs.

Consequently, connected miscellaneous petitions are closed.

19.09.2023

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

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Note:-

The Registry is directed to mark a copy of this order to the learned Judicial Magistrate, Thirumangalam.

To:-

The Inspector of Police,
Tirumangalam Town Police Station,
Madurai District.

Copy to:

The Judicial Magistrate,
Thirumangalam.



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G.R.SWAMINATHAN, J.

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