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Crl.O.P.No.20106 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.20106 of 2023
and
Crl.M.P.No.13677 & 13679 of 2023

Kumaravel

... Petitioner

Vs.

1.The State rep.by
The Inspector of Police,
Namakkal Police Station,
Namakkal District. (Cr.No.127/2023)

2.Selvi
Grade-I Police Constable,
All women Police Station, Namakkal.
(2nd respondent is suo motu impleaded
vide order dated 27.09.2023)

...Respondents

Prayer: Criminal Original Petition under Section 482 of the Criminal Procedure Code to call for records of the case in S.T.C.No.902 of 2023 on the file of the learned Judicial Magistrate No.I, Namakkal, quash the same.

For Petitioner : Mr.S.V.Karthikeyan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

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2. The above quash petition was filed based on the compromise that was arrived at between the petitioner and the victim. Affidavits have also been filed by the victims namely Kalaivani and Rubasree. They have stated that they have compromised the dispute and they are not willing to prosecute the criminal case any further.

3. When the matter came up for hearing on 27.09.2023, this Court passed the following order:

"When the matter was taken up for hearing, the petitioner was present and the affidavit tendering unconditional apology was filed as directed by this Court. A copy of the same has been furnished to learned Government Advocate [Crl.side]. That apart, the wife of the petitioner viz., Kalaivani was also present before this Court and she also explained about the incident that took place in the police



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station. She has further stated that Rubasri is now married and she is living with her husband. That apart, there is no threat to the life and liberty of the said Kalaivani. The affidavit of Rubasri has also been filed. She is not able to be present before this Court since she is in the family way. She has filed the affidavit stating that the entire incident had taken place in a spur of the moment and that she is now living happily with one Mr.Varadharaj and there is no more threat or apprehension at the hands of the petitioner.

2. In the light of the above development, no useful purpose will be served in keeping the criminal proceedings pending.

3. Learned Government Advocate [Crl.side] seeks for time to take instructions in this case.

Post this case under the same caption on 25.09.2023 at 02.15 p.m. The parties need not be present before this Court on that day."

4. This Court thereafter summoned the Grade I Police Constable who is the complainant in this case in order to ascertain as to whether she is willing to compromise the dispute with the petitioner. She stated that the petitioner had orally abused the police officers and therefore, she cannot withdraw the complaint. Accordingly the matter was directed to be posted



for hearing today.

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5. The petitioner has filed an affidavit and the relevant portion is extracted hereunder:

"I state that after the said incident, though the couple is residing in Senthamangalam, near Namakkal, I have never attempted to intervene in their life and I declare that I shall not commit any act causing threat to their life and liberty. I state that due to anger and provocation, I have spelled certain words in the respondent Police station on 23.03.2023, for which I am expressing my unconditional apology and I declare that the same will not happen in future."

6. The entire incident had taken place in the spur of the moment and the petitioner seems to have hurled verbal abuse on the Police Officer. The petitioner has regretted for having indulged in such an activity and he has also filed an affidavit tendering his unconditional apology.

7. Taking into consideration the facts and circumstances and the subsequent developments, this Court is of the firm view that no useful



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purpose will be served in continuing further with the criminal prosecution.

Hence the proceedings in S.T.C.No.902 of 2023, pending on the file of the learned Judicial Magistrate No.I, Namakkal, is hereby quashed.

8. Recording the regret shown by him for hurling abuse upon the Police, this Court wanted the petitioner to repent by doing some purposeful act for using such a provocative language against the Police. Therefore, this Court asked the learned counsel for the petitioner to direct the petitioner to donate a computer to the Madras High Court Advocate Clerk Association. The Computer will be of great use to the Association for E-filing. The learned counsel for the petitioner fairly submitted that he will ask the petitioner to donate a computer to the Association. This response on the side of the petitioner deserves to be appreciated.



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N.ANAND VENKATESH,J

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9. This Criminal Original Petition is allowed in the above terms.

Consequently connected miscellaneous petitions are closed and the terms of affidavit shall form part and parcel of this order.

23.01.2024

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Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

To

1. The Inspector of Police,
Namakkal Police Station,
Namakkal District.

2. The Public Prosecutor,
High Court, Madras.

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