



Crl.O.P.(MD)Nos.17390 of 2018 and 18808 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) Nos.17390 of 2018 and 18808 of 2019
and Crl.M.P.(MD) Nos.7689, 7690 of 2018, 11048 and 10970 of 2019

Crl.O.P.(MD) No.17390 of 2018

1.Savadamuthu
2.Muruges @ Murugesan
3.Siva Kumar
4.Rajamanikam
5.Savariammal @ Arockia
Savariammal

... Petitioners/
Accused Nos.1 to 5

Vs.

Balakrishnan

... Respondent/
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the private complaint in C.C.No.102 of 2018 on the file of District Munsif-cum-Judicial Magistrate Court, Veda sandur and quash the same as illegal insofar as the petitioners are concerned.

For Petitioners : Mr.R.Gandhi, Senior Counsel
for Mr.J.Karthikeyan

For Respondent : Mr.S.C.Herold Singh



Crl.O.P.(MD)Nos.17390 of 2018 and 18808 of 2019

Crl.O.P.(MD) No.18808 of 2019

1.Tharma @ Dharmar Pondi
2.Logu Marimuthu
3.Srithar

... Petitioners/
Accused Nos.4,6 & 7

Vs.

1.The Inspector of Police,
Koombur Police Station,
Dindigul District.

... Respondent/
Complainant

2.Vadivel

... Respondent/
Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to pass an order calling for the charge sheet in S.T.C.No.930 of 2019 on the file of Additional District Munsif cum Judicial Magistrate, Veda sandur and quash the same as against the petitioner is concerned.

For Petitioners : Mr.S.Herold Singh

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)
for R1
Mr.R.Ramanujam for R2

COMMON ORDER

The issues involved in both these cases are interconnected and hence, they are taken up together, heard and disposed of through this common order.

2/7



Crl.O.P.(MD)Nos.17390 of 2018 and 18808 of 2019

2.Crl.O.P.(MD) No.17390 of 2018 has been filed to quash the proceedings in C.C.No.102 of 2018 pending on the file of the District Munsif-cum-Judicial Magistrate Court, Vedasanthur.

3.Crl.O.P. (MD) No.18808 of 2019 has been filed to quash the proceedings in S.T.C.930 of 2019 pending before the same Court.

4.The case of the respondent in Crl.O.P.(MD) No.17390 of 2018 is that the petitioners threatened the respondent that false cases will be foisted against him and when the same was questioned, the petitioners came to the place of occurrence and abused the respondent in filthy language and attacked him with a wooden stick. This was questioned by relative and others who were also attacked by the petitioners. The wife of the respondent and another relative were also pushed down and they sustained injuries. After this incident, a false case was registered against the respondent in Crime No.88 of 2018 for offences under Sections 294(b), 323 and 506(i) of IPC and in that case, he was remanded to judicial custody. After being enlarged on bail, the respondent filed a private complaint before the District Munsif-cum-Judicial Magistrate,



Crl.O.P.(MD)Nos.17390 of 2018 and 18808 of 2019

Vedasanthur, which was taken on file in C.C.No.102 of 2018 and process was issued to the petitioners.

5.The case of the prosecution in Crl.O.P.(MD) No.18808 of 2019 is that on 05.08.2018, the petitioner and others were under the influence of alcohol and abused in filthy language and formed themselves into an unlawful assembly. An FIR came to be registered in Crime No.89 of 2018 for offences under Sections 147 and 294(b) of IPC. On completion of investigation, the police report was filed before the District Munsif-cum-Judicial Magistrate, Vedasanthur, which was taken on file in S.T.C.No.930 of 2019.

6.Heard Mr.R.Gandhi, learned Senior Counsel for the petitioners in Crl.O.P. (MD) No.17390 of 2018 and Mr.S.C.Herold Singh, learned counsel for the petitioners in Crl.O.P. (MD) No.18808 of 2019 and Mr.B.Thanga Aravindh, learned Government Advocate appearing on behalf of the first respondent and Mr.R.Ramanujam, learned counsel appearing on behalf of the second respondent in Crl.O.P. (MD) No.18808 of 2019.



Crl.O.P.(MD)Nos.17390 of 2018 and 18808 of 2019

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7.In the considered view of this Court, the entire incident had taken place in the spur of the moment and this incident had happened in the year 2018. The private complaint has been preferred against the police personnel and the complainant in the private complaint is also facing a criminal case in S.T.C.No.930 of 2019. No useful purpose will be served in continuing with these proceedings at this length of time. In fact, continuance of the proceedings will only further aggravate the situation. In view of the same, this Court suggested to the learned Senior Counsel appearing on behalf of the petitioners in Crl.O.P.(MD) No. 17390 of 2018 and the learned counsel appearing on behalf of the petitioners in Crl.O.P.(MD) No.18808 of 2019 that both the cases can be closed and amicably settled between the parties.

8.The learned Senior Counsel and the counsel appearing on behalf of the petitioners in Crl.O.P.(MD) No.18808 of 2019 fairly submitted that whatever advice is rendered by the Court, the petitioners will abide it.



Crl.O.P.(MD)Nos.17390 of 2018 and 18808 of 2019

9.In the light of the above submission, this Court deems it fit to exercise its jurisdiction under Section 482 of Cr.P.C. and to interfere with both the proceedings that are pending before the Court below as against the respective petitioners. Accordingly, the proceedings in C.C.No.102 of 2018 and S.T.C.No.930 of 2019 pending on the file of the District Munsif-cum-Judicial Magistrate, Vedasanthur, are hereby quashed insofar as the petitioners are concerned and both the Criminal Original Petitions are allowed. Consequently, connected miscellaneous petitions are closed.

05.11.2024

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

To

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



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Crl.O.P.(MD)Nos.17390 of 2018 and 18808 of 2019

N.ANAND VENKATESH,J.

PKN

Crl.O.P.(MD)Nos.17399 of 2018 and 18808 of 2019

Dated: 05.11.2024