



Crl.O.P.(MD)Nos.19713 & 21130 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)Nos.19713 & 21130 of 2024

and

Crl.M.P.(MD)Nos.12142, 12143, 13110 & 13111 of 2024

K.Vignesh ... Petitioner in Crl.O.P.(MD)No.19713/2024

1.V.Jegathala Parathap

2.M.Santhosh Kumar

...Petitioners in Crl.O.P.(MD)No.21130/2024

Vs.

1.The State rep. by

The Inspector of Police,

Tallakulam Police Station,

Tallakulam, Madurai City.

(Cr.No.1156/2019)

... Respondent in both Crl.O.Ps.

Rajkumar Julien (died)

COMMON PRAYER : Criminal Original Petitions filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned charge sheet in C.C.No.1616 of 2024 on the file of the Judicial Magistrate Court No.II, Madurai and quash the same.

For Petitioners : Mr.V.Nagendran

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor
(in both Crl.O.Ps.)



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COMMON ORDER

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These Criminal Original Petitions have been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in C.C.No.1616 of 2024 on the file of the Judicial Magistrate Court No.II, Madurai and quash the same.

2.The case of the prosecution is that on 26..07.2019, at about 04.00 p.m., when the de-facto complainant was speaking with the other staff, namely, Brito Alex, Edward John, Chelladurai and Mohan, near the Computer Science department in the American College, the petitioners had entered into the college. Finding that they are not college students, the de-facto complainant and others questioned them. At that time, the petitioner in Crl.O.P(MD)No. 19713 of 2024 had claimed that he is an Advocate and who dares to question them. Further, they said that they have come to enquire with regard to admission and they wanted to meet the Principal of the College. There was a wordy quarrel. The petitioners used filthy language and assaulted the de-facto complainant and others and thereafter, a complaint was lodged and a case in Crime No.1156 of 2019, was registered and consequent to the same, charge sheet has been filed, listing six witnesses and producing the materials.



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3. When the matter was taken up for hearing on 14.11.2024, the learned Additional Public Prosecutor submitted that as against the petitioner in Crl.O.P.(MD)No.19713 of 2024, except for this case, no criminal case is pending and since the de-facto complainant is no more, notice can be taken to any of the victims of the American College, who can now step into the shoes of the de-facto complainant. Therefore, this Court directed the 1st respondent to inform the college and any of the victims, namely, Brito Alex, Edward John, Chelladurai and Mohan, who were present at the time of the alleged occurrence.

4. Pursuant to the said direction, the said Brito Alex and Edward John appeared before this Court on 27.11.2024 and submitted that since the petitioners are studying now, they have not interested in pursuing the case further as against them. As far as the said Chelladurai is concerned, he left from the college and in respect of Mohan, he informed to Brito Alex and Edward John that he has also no objection.

5. Considering the fact that since the defacto complainant is no more and the persons, who were present in the place of occurrence, are not willing to



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pursue the case further as against the petitioners and they have compromised the matter between themselves, this Court is inclined to quash the proceedings in C.C.No.1616 of 2024 on the file of the Judicial Magistrate Court No.II, Madurai, accordingly, it is quashed as against the petitioners and the above case cannot be quoted against the petitioners for their future education and employment.

6.These Criminal Original Petitions are allowed in the above terms.

Consequently, connected miscellaneous petitions are closed.

29.11.2024

NCC : Yes / No
Index : Yes / No

Yuva

To

- 1.The Judicial Magistrate Court No.II,
Madurai.
- 2.The Inspector of Police,
Tallakulam Police Station,
Tallakulam, Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,



Madurai.

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M.NIRMAL KUMAR, J.

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