

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 18.06.2015
CORAM
THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.10653 of 2015

1.P.Devarajan
2.D.Latha

... Petitioners

Vs

1.State rep by
Inspector of Police,
R3-Ashok Nagar Police Station,
Chennai.

2.A.S.Harikrishnan

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to call for the records in Crime No.939 of 2014 on the file
of the 1st respondent/police and quash the same as against the
petitioners herein.

For Petitioners : Mr.T.Arul

For Respondents : Mr.M.Mohamed Riyaz,
Government Advocate [Crl. Side][for R1]
: Mr.J.Franklin [for R2]

O R D E R

Seeking a prayer to quash the proceedings in Crime No.939 of
2014 on the file of the 1st respondent police, this petition has
been filed.

2. Heard the learned counsel for the petitioners; the learned
Government Advocate appearing for the 1st respondent; the learned
counsel appearing for the 2nd respondent and perused the materials
placed on record.

3. This petition has been filed by the accused for quashing
the case in Crime No.939 of 2014, on the ground that the accused
and the defacto complainant have amicably settled all their issues.

4. On a complaint lodged by A.S.Harikrishnan/defacto
complainant, the respondent police registered a case in Crime

No.939 of 2014 for offences under Section 147, 448, 380 IPC against the petitioners herein and others. The crux of the allegation of the defacto complainant is that, he is a tenant under the petitioners and that, the petitioners attempted to forcibly evict him from the premises.

5. When the petitioners approached the Sessions Court in CrI.MP.No.18539 of 2014 for anticipatory bail, the matter was referred to the Tamil Nadu Mediation Center and the parties appear to have arrived at a compromise, by virtue of which, the defacto complainant was paid Rs.7,25,000/- by the petitioners herein.

6. Today, the defacto complainant is present and he has been identified by his counsel Mr.J.Franklin, Enrolment No.549/1998. He has also filed an affidavit, wherein, in paragraph Nos.2, 3 and 4, it is stated as follows:

"2. I state that I was a tenant in respect of the premises bearing No.37/16, Sai Sruthi Apartment, Postal Colony 1st Street, West Mambalam, Chennai-33. Due to some misunderstanding between the tenant and landlords in respect of the portion occupied by me, suddenly the petitioners herein along with their men came into the tenanted premises forcefully locked the house thereafter the intervention of 1st respondent, the possession was immediately restored.

3. Hence I have filed a complaint against the petitioners herein before the 2nd respondent and the said complaint was registered in Crime No.939 of 2014. Thereafter the petitioners herein moved a petition in CrI.MP.No.18539 of 2014 before the Principal Sessions Judge, Chennai for an order of anticipatory bail. In the said application, the 1st respondent herein also filed an intervene application and subsequently the said application was transferred to Mediation.

4. After negotiation between the parties, on 06.03.2015 a joint memo of compromise was entered into between the petitioners and myself and the same was filed before the Mediation. The said memo of compromise was recorded before the Mediation."

7. In view of the above, the case in Crime No.939 of 2014 on the file of 1st respondent is hereby quashed and this petition stands allowed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gya

To

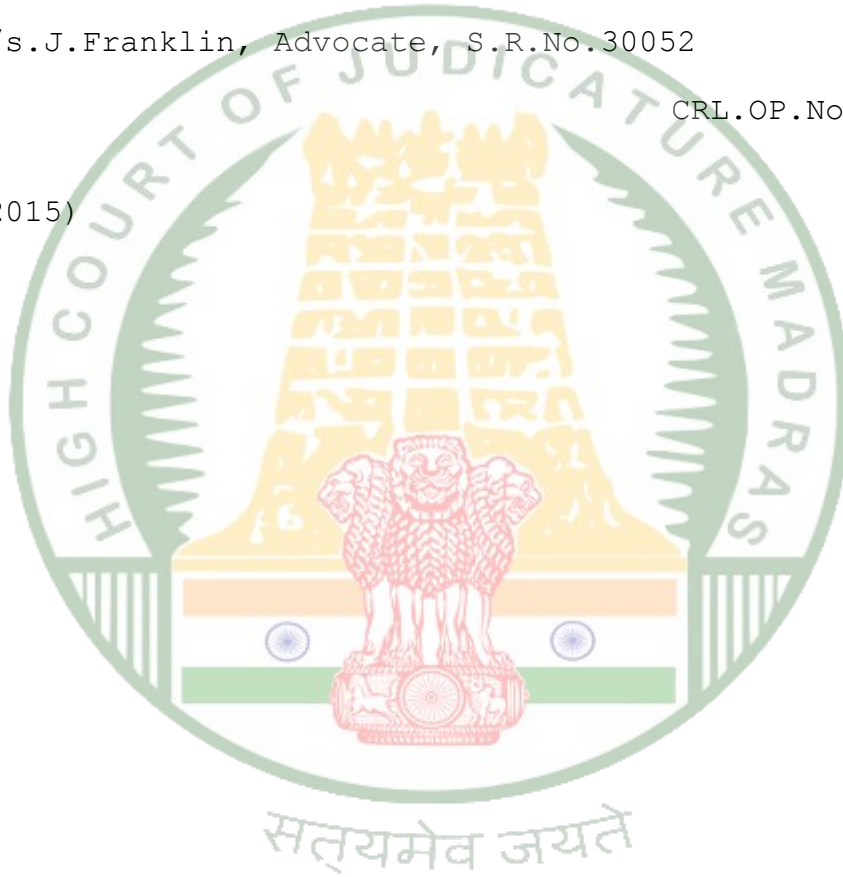
1.The Inspector of Police,
R3-Ashok Nagar Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

+lcc to M/s.J.Franklin, Advocate, S.R.No.30052

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VD(CO)
CA(02/07/2015)



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