

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.11068 of 2015

1. H.Shyamkumar
2. S.Srinivasan
3. K.Hemachandran
4. K.Babu
5. S.Kanchana

... Petitioners

Vs

1. State Rep by its
Inspector of Police,
T-11, Thiruninravur Police Station,
Thiruvallur District

2. R.Umachander

.... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the FIR in Crime No.891 of 2014 dated 23.08.2014 filed under section 147, 148, 448, 294(b), 323, 324 and 506(ii) of IPC on the file of the respondent police and quash the same.

For Petitioners : Mr.A.Kumaraguru

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor (R1)
Mr.J.Balamurugan (R2)

ORDER

This Criminal Original Petition is filed to call for the records relating to the FIR in Crime No.891 of 2014 dated 23.08.2014 filed under sections 147, 148, 448, 294(b), 323, 324 and 506(ii) of IPC on the file of the respondent police and quash the same.

2. I have heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the

respondent police and Mr.J.Balamurugan, learned counsel for the 2nd respondent and I have also perused the records carefully.

3. It is seen that on a complaint lodged by Umachander/defacto complainant, the respondent police has registered a case in Crime No.891 of 2014 under sections 147, 148, 448, 294(b), 323, 324 and 506 (ii) of I.P.C against five persons and investigation is pending. At this juncture, the petitioners/accused and the defacto complainant appear to have entered into a compromise and have agreed to amicably settle the issue and they are coming forward to quash the prosecution.

4. Today, one of the accused Srinivasan and Umachander/defacto complainant are present before this Court. Umachander/defacto complainant has filed an affidavit dated 29.04.2015, wherein it is stated as follows:-

"I submit that subsequently myself and the 1st petitioner on being realized the nature of the complaint and also being neighbours admittedly arrived at an unique decision to withdraw all complaints preferred by both against each other. I further submit that on the circumstances expressed supra hereinafter I would lead my future life without any troubles to the petitioners and there will not be any false claim against them. Accordingly, I would like to withdraw my false complaint dated 23.08.2014 on the file of the 1st respondent police against the petitioners named above in Crime No.891 of 2014. Hence, I have no objection to quash the Crime No.891 of 2014 dated 23.08.2014 u/s.147, 148, 294(b), 323, 324 and 506 (ii) of IPC against the petitioners which is pending on the file of the 1st respondent police."

In Umachandar's affidavit, it is inadvertently stated "my false complaint dated 23.08.2014" instead of "my complaint dated 23.08.2014". The word 'false' stands deleted.

5. Recording the same, the proceedings in Crime No.891 of 2014 on the file of the respondent police, as against the petitioner is quashed. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rg /srn

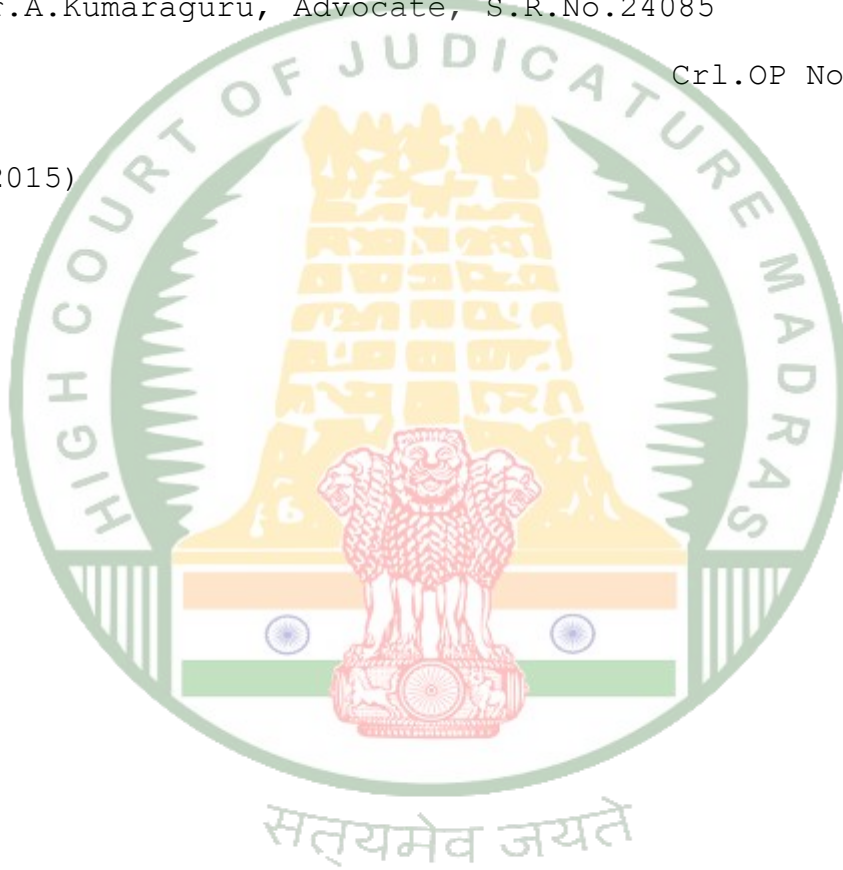
To

1. The Inspector of Police,
T-11, Thiruninravur Police Station,
Thiruvallur District
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Kumaraguru, Advocate, S.R.No.24085

Cr1.OP No.11068 of 2015

RSY(CO)
CA(18/05/2015)



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