

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No. 13726 of 2015

1.V.Felix Manohar
2.R.Seenu@Srinivasan
3.R.Baskar
4.V.Prabhakar Raja
5.M.Karthik
6.Ronald Regan ...Petitioners/Accused 1 to 6

Vs

1 .State rep by
The Inspector of Police,
V3, J.J.Nagar Police Station,
Chennai.
2. G.Selvaraj ...Respondents/Complainant and
Defacto complainant.

Prayer:- Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records and quash the FIR in V3, J.J.Nagar Police Station in Crime No.728 of 2014 on the file of the 1st respondent herein.

For Petitioners :Mr.P.Prince Premkumar

For R1 :Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original petition has been filed praying to call for the records and quash the FIR in Crime No.728 of 2014 on the file of the 1st respondent herein.

2.Heard Mr.P.Prince Premkumar, the learned counsel for the petitioners and Mr.C.Emalias, learned Additional Public Prosecutor appearing for the first respondent.

3.On a complaint lodged by G.Selvaraj, the respondent Police registered a case in Crime No.728 of 2014 for the offences under Sections 147, 148, 294(B), 323, 365 and 506(i) IPC against six accused. Mr.V.Feliz Manohar (A1) is the son-in-law of G.Selvaraj and

the other accused are his relatives. It is stated in the FIR that one A.Mani was abducted by the accused and that he sustained simple injuries. Now it appears that the defacto complainant and the accused have arrived at a compromise and they have come forward for quashing the FIR.

4.On instructions from the respondent Police, the learned Additional Public Prosecutor recorded his objections on the ground that offence under Section 367 IPC has been made out.

5.Be that as it may, if it is seen that the dispute is essentially between the members of the same family and they seem to have arrived at an amicable settlement. Both G.Selvaraj and A.Mani are present before this Court and they have been identified by Mr.M.Ravi, the Inspector of Police, V3, J.J.Nagar Police Station.

6.Mr.G.Selvaraj has filed an affidavit, wherein he has stated as follows:

I state that under these circumstances my daughter named Aarthi Jones filed a Compromise Memo before the Learned XXIII M.M. Saidapet in C.C.No.6627 of 2014 for withdrawing her complaint, the learned Magistrate observed the same and acquitted my son-in-law named V.Felix Manohar.

I state that now all our family dispute has been amicably settled and I was not ready to proceed further the Criminal Proceedings against my son-in-law pending before V3, J.J.Nagar Police Station in Crime No.728 of 2014 for alleged offence under Section 147, 448, 294(b), 323, 365 and 506(i) IPC.

Hence, I therefore, pray that this Hon'ble Court may be pleased to quash the FIR given by me as against my son-in-law and others in V3, J.J.Nagar Police Station, in Crime No.728 of 2014.

7.Mr.Mani has also filed an affidavit, wherein he has stated as follows:

I state that in connection to that a complaint was lodged by my friend G.Selvaraj, who is the defacto complainant in this case as against his son-in-law before V3, J.J.Nagar Police Station, in Crime No.728 of 2014 for alleged offence under Sections 147, 448, 294(b), 323, 365 and 506(i) IPC.

I state that thereafter a compromise was held between myself and my friend G.Selvaraj and his son-in-law and my friend's daughter, as a result of it both are leading a separate matrimonial home.

I state that under these circumstances, my friend's daughter named Aarthi Jones filed a Compromise Memo before the Learned XXIII M.M. Saidapet in C.C.No.6627 of 2014 for withdrawing her complaint, the learned Magistrate observed the same and acquitted my friend's son-in-law named V.Felix Manohar.

I state that now all the above disputes were amicably settled and I was not ready to proceed further the criminal proceedings against my friend's son-in-law pending before V3, J.J.Nagar Police Station, in Crime No.728 of 2014 for alleged offences under Sections 147, 448, 294(b), 323, 365 and 506(i) IPC.

Hence, I therefore pray that this Hon'ble Court may be pleased to quash the FIR given by my friend G.Selvaraj, who is the defacto complainant as against his son-in-law and others in V3, J.J.Nagar Police Station, in Crime No.728 of 2014 for alleged offences under Sections 147, 448, 294(b), 323, 365 and 506(i) IPC, on the file of the respondent Police and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the above case and thus render justice.

8.In view of the above, the FIR in Crime No.728 of 2014 is hereby quashed and the petition is allowed.
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s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
V3, J.J.Nagar Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.
3. The XXIII Metropolitan Magistrate,
Saidapet, Chennai.

msm(co)
prk6/7

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