

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.14896 of 2015

Mr.D.Kumar @ Thoppulan Kumar .. Petitioner
Vs

1.State Represented by
Inspector of Police,
D-2 Anna Salai Police Station,
Chennai - 600 002.
(Cr.No.1375 of 2015)

2.Mr.T.Staline ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the F.I.R. filed in Cr.No.1375 of 2015 on the file of 1st respondent against the petitioner.

For Petitioner : Mr.M.Anandraj

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

Mr.M.Anandan (R2)

ORDER

This petition is filed to quash the FIR in Crime No.1375 of 2015 on the file of the 1st respondent.

2. Heard the learned counsel for the petitioner, learned counsel for the defacto complainant and the learned Additional Public Prosecutor appearing for the respondent police.

3. On a complaint lodged by one Staline, the respondent police registered a case in Crime No.1375 of 2015 under Sections 341, 294 (b) and 506(i) IPC against this petitioner. During the pendency of the investigation, it appears that this petitioner and the defacto complainant have arrived at a compromise and they together approached this Court for quashing the FIR.

4. The learned Additional Public Prosecutor objected to quash the FIR on the ground that 38 cases are pending against the petitioner and out of which 34 cases were disposed of and four cases are pending.

5. It is seen that the defacto complainant in this case is none other than the uncle of the petitioner and further the allegation is that, the defacto complainant was assaulted by the petitioner by hands. Thus there are no serious allegations against the petitioner. The defacto complainant is present today and he has filed an affidavit, wherein paragraph Nos.2 to 4 it is stated as follows:

"2. I state that I lodged a complaint before the 1st respondent against the petitioner on 22.04.2015 stating that the petitioner namely Mr.Kumar, who is none other than my uncle using filthy language and assaulted me by hands and threaten me with dire consequences at border thottam, Chennai.

3.I state that the dispute of the subject matter of the case has been settled amicably out of Court upon the advice of the elder members of the both family. I have given letter to withdraw my complaint before the 1st respondent on 28.04.2015 but they declined to accept my letter to withdraw the complaint as above mentioned. Therefore, I was advice to file this affidavit before this Hon'ble Court disclosing my intention to compromise the subject matter of dispute between me and the petitioner herein.

4. I state that I married the petitioner's own sister and settled at the above said address and I filed this affidavit upon my own decision and no one its force me to file this affidavit."

6. Mr.S.Surendran, the Inspector of Police, D-2 Anna Salai Police Station is present before this Court and he identified the defacto complainant.

7. In view of the compromise arrived at between the accused and the defacto complainant, this petition is allowed and the FIR in Crime No.1375 of 2015 on the file of the 1st respondent is hereby quashed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Inspector of Police,
D-2 Anna Salai Police Station,
Chennai - 600 002.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.Anandaraj, Advocate,Sr.32059.

Rj (co)
krd 10/7

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