

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.16078 of 2015

1.Rajaram
2.Rajappan

... Petitioners/A3 & A8

Vs

1.State rep. by Inspector of Police,
Karumalaikoodal Police Station,
Karumalaikoodal, Mettur Taluk,
Salem District.

2.Premkumar ... Respondents/Complainant/
Defacto Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to call for the records in CC.No.135 of 2011 on the file of
the Judicial Magistrate II, Mettur and to quash the same.

For Petitioners : M/s.Sai Bharath and Ilan

For Respondents : Mr.C.Emalias, Addl. Public Prosecutor
[for R1]

O R D E R

This petition has been filed to quash the proceedings in
CC.No.135 of 2011 on the file of the Judicial Magistrate II, Mettur

2. Heard the learned counsel for the petitioners; learned
Additional Public Prosecutor appearing for the 1st respondent and
perused the materials placed on record.

3. On a complaint lodged by one Premkumar, the respondent
police registered a case in Crime No.236 of 2009 and after
completing investigation, filed a Final Report for offences under
Section 147, 148, 506[ii] IPC and Section 75 of MCP Act. Now, it
appears that the defacto complainant and the petitioner have
arrived at a settlement and they are seeking to quash the Final
Report in CC.No.135 of 2011.

4. It is seen that in Crl.OP.No.8156 of 2014, this Court has
quashed the prosecution in CC.No.135 of 2011 against one Kavitha on
the ground that the defacto complainant have arrived an amicable
settlement with her. Today, Mr.K.Madhaiyan, Sub Inspector of
Police, Karumalaikoodal Police Station, Salem District is present
and he has identified the defacto complainant Premkumar. Premkumar
is present before this Court and filed an affidavit, wherein, in

paragraph No.4 and 5, he has stated as follows:

"4.I sincerely state that the above quash petition filed by Accused Nos.3 & 8 along with my joint affidavit. As I settled the entire issues between ourselves, I do not want to proceed further as against other accused persons also i.e., Mr.Anbuselvan, S/o.Thangavel [A1], Mr.Gopi S/o.Thylappan [A4], Mr.Senthamizhan S/o.Rajendran [A5], Mr.Pradeepkumar S/o.Mathaiyan [A6], Mr.Sathish S/o.K.Sekar [A7] and Mr.Kanagaraaj S/o.Duraisamy [A9] in the above Criminal Original proceedings in CC.No.135 of 2011 on the file of the Judicial Magistrate II, Mettur. Therefore, I have no objection to quash the entire proceedings as against all the accused persons.

5.Therefore, it is most humbly prayed that this Hon'ble Court may be pleased to call for the records and quash the criminal proceedings in CC.No.135 of 2011 on the file of the learned Judicial Magistrate II, Mettur, as against all the accused persons and pass such further or other orders and thus render justice."

5. In view of the above, relying upon the judgment of the Supreme Court in Narinder Singh and Others Vs State of Punjab and Another reported in [2014] 6 SCC 466, the entire proceedings in CC.No.135 of 2011 is hereby quashed and this petition stands allowed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Inspector of Police,
Karumalaikoodal Police Station,
Karumalaikoodal, Mettur Taluk,
Salem District.

2.The Judicial Magistrate II, mettur.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.Sai Bharath Ilan, Advocate,SR.32840.

Sai(co)
krd 10/7

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