

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.17456 of 2015 and
M.P.No.1 of 2015

1.Manikandan @ Indirajith

2.Vinothkumar

.. Petitioners

Vs

1.The Union Territory of
Puducherry Represented by
The Inspector of Police,
Odiansalai Police Station,
Puducherry
Cr.No.102 of 2015.

2.Kaviyarasan

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to impugned charge sheet final report No.59 of 2014 dated 22.07.2014 on the file of the first respondent namely the Inspector of Police, Odiasalai Police Station, Puducherry, pending on the file of the learned Chief Judicial Magistrate, Puducherry in C.C.No.34 of 2015 and quash the same as highly illegal, unlawful and abusive process of law.

For Petitioners :Mr.Prakash Adiapadam

For R.1 :Mr.M.R.Thangavel,

Additional Public Prosecutor (Puducherry)

ORDER

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor (Puducherry) appearing for the first respondent.

2.On a complaint made by Mr.Kaviyarasan, the respondent police registered a case in Crime No.102/2014 dated 15.06.2014 and after completing the investigation, filed a final report in C.C.No.34/2015 before the learned Chief Judicial Magistrate, Puducherry, for offence under Section 294(b), 323, 324 & 506(2) r/w 34 I.P.C. Challenging which, the accused, are before this Court for quashing the prosecution on the ground that they have settled the matter with the defacto complainant amicably.

3.Today, Mr.S.Tyagaraj, Sub Inspector of Police, Odiansalai Police Station, Puducherry is present. Mr.Kaviyarasan, the defacto complainant is also present. He has been identified by the said Sub Inspector of Police.

4.Mr.Kaviyarasan, the defacto complainant has filed an affidavit, wherein, in paragraph Nos.2 and 3, he has stated as follows:-

"2.I further most humbly submit that based on my complaint dated 15.06.2014 the first respondent had registered a case in crime No.102/2014 dated 15.06.2014 on the file of the Inspector of Police, Odiansalai Police Station, Pondicherry for the alleged offences under Sections 294(b), 323, 324 & 506 (ii) I.P.C., r/w 34 I.P.C., against above petitioner namely Manikandan @ Indirajit & Vinothkumar. Thereafter on 22.07.2014 after conducting & completing investigation the first respondent namely the Inspector of Police attached with Odiansalai Police Station, Puducherry herein had filed final report/charge sheet vide No.59/2014 dated 22.07.2014 before the Hon'ble Chief Judicial Magistrate, at Puducherry. And the same was taken on file by Hon'ble Chief Judicial Magistrate, At Puducherry as of now case is pending before the Hon'ble Chief Judicial Magistrate, at Puducherry in C.C.No.34 of 2015.

3.I further most humbly submit that since we are all distant relatives and also neighborhoods, residing in the same village we would like to settle the issue amicably. Hence we mutually agree to quash proceedings in C.C.No.34 of 2015 on the file of the learned Chief Judicial Magistrate, at Puducherry. Hence, I most humbly prayed that this Hon'ble High Court may be please to pass suitable orders and thus render justice.

Hence for the reasons stated above it is most humbly prayed that this Hon'ble Court may be pleased to accept out compromise and thereby quash the entire proceedings in C.C.No.34 of 2015 on the file of the learned Chief Judicial Magistrate, at Puducherry and pass suitable orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice. "

5.In view of the above, relying upon the judgment of the Hon'ble

Supreme Court in Narinder Singh and other v. State of Punjab and another (2014 (6) SCC 466), the impugned charge sheet is liable to be quashed.

6.In the result, the Criminal Original Petition is allowed and the case in C.C.No.34 of 2015 on the file of the learned Chief Judicial Magistrate, Puducherry, is hereby quashed. Consequently, connected miscellaneous petition is closed.

jbm

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Chief Judicial Magistrate,
Puducherry.

2.The Inspector of Police,
Odiansalai Police Station,
Puducherry.

3.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.Prakash Adiapadam, Advocagt SR 37524

gj(co)
prk5/8

Cr1.OP No.17456 of 2015

सत्यमेव जयते

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