

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.18855 of 2015

1. N.Srinivasan
 2. M.Santhanam
 3. K.Shiva @ Sivakumar
 4. Sathya Srinivasan
 5. Balasubramani @ Shanmugam
 6. Gunasekaran
 7. Sanjeevan
- ... Petitioners/Accused

Vs.

1. State rep. by
The Sub-Inspector of Police,
E-1, Mylapore Police Station,
Chennai - 600 004.
(Crime No.1061 of 2015) .. Respondent / Complainant
2. R.Srinivasan ... Respondent/ De facto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records and quash the final report filed by the first respondent in C.C.No.2931 of 2015 pending on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai.

For Petitioners : Mr.R.T.L.Chandar
For R-1 : Mr.C.Emalias,
Additional Public Prosecutor
For R-2 : Mr.A.Velmurugan

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O R D E R

This Criminal Original Petition has been filed by the petitioners praying to quash the final report filed by the first respondent police in C.C.No.2931 of 2015 pending on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent and the learned counsel appearing for the second respondent.

3. On a complaint lodged by one Mr.R.Srinivasan, the first respondent police registered a case in Crime No.1061/2015, against the petitioners herein for the offences under Sections 341, 427, 323 and 506(i) IPC. After completing the investigation, the first respondent police filed final report in C.C.No.2931 of 2015 before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai. Challenging which, the petitioners/accused are before this Court for quashing the prosecution on the ground that they have arrived at an amicable settlement with Mr.R.Srinivasan / de facto complainant.

4. Today, Mrs.V.Rajathi, WPC 29579, E-1, Mylapore Police Station, is present before this Court. Mr.R.Srinivasan, the de facto complainant is also present before this Court. He has been identified by the said police officer. Mr.R.Srinivasan has filed an affidavit, wherein at paragraph Nos.4 and 5, it is stated as follows:-

"4. Thereafter, our well wishers and common friends advice I realized the repercussion of the police complaints and the smooth running of the business. Hence I decided to discuss with the petitioners and sort out the issues amicably in the best interest of saving reputation of our families and the welfare of the business and came to an understanding not to proceed further on the complaint. Meanwhile, the first respondent has filed final report in Crime No.1061 of 2015 and the same was taken on file by the learned XVIII Metropolitan Magistrate, Saidapet, as C.C.No.2931 of 2015.

5. I submit that if the prosecution continues it will reopen healed wounds and create more bitterness between the petitioners and me.

Hence it is prayed that this Hon'ble Court may be pleased to record the same and pass appropriate orders and thus render justice."

5. In view of the settlement arrived at between the parties, the prosecution in C.C.No.2931 of 2015 pending on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, is hereby quashed and this Criminal Original petition is allowed.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1. The XVIII Metropolitan Magistrate,
Saidapet, Chennai.
2. -do - Through The chief Metropolitan,
Magistrate, Egmore, Chennai.-8
3. The Sub-Inspector of Police,
E-1, Mylapore Police Station,
Chennai - 600 004.
4. The public prosecutor,
High court, Madras.

+1 cc to Mr.R.T.L.Chandar Advocate (sr.38640)

SKL (co)
cp 07.08.2015

Cr1.O.P.No.18855 of 2015



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