

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.08.2015

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.19548 of 2015

S.Purushothaman .. Petitioner

Vs

1. The Inspector of Police,
Taluk Police Station,
Arakkonam,
Vellore District.

2. Andiappan .. Respondents

Prayer:- Criminal Original Petition is filed under Section 482 Cr.P.C., praying to call for the records in Crime No.144 of 2014 pending on the file of the Taluk Police Station, Arakkonam and quash the same.

For Petitioner :Mr.D.Muthukumar

For Respondents :Mr.C.Emalias [for R1]

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed praying to call for the records in Crime No.144 of 2014 pending on the file of the Taluk Police Station, Arakkonam and quash the same.

2. Heard the learned counsel for the petitioner and Mr.C.Emalias, the learned counsel appearing for the first respondent.

3. This petition has been filed by S.Purushothaman(A7) for quashing the F.I.R. in Crime No.144 of 2014. On a complaint lodged by one respondent-police registered a case in Crime No.144 of 2014 under Section 147, 148, 294(b), 325 and 307 IPC against thirteen named persons and 10 unnamed others.

4. The crux of the allegation in F.I.R. is that, during the Parliamentary Election in April 2014, the dispute arise between the defacto-complainant, who belongs to a political party and the accused belonging to another political party, in which it is alleged by the defacto-complainant that during campaigning, he was attacked and assaulted by the accused. It may be relevant to state here that this petitioner name is not found in the F.I.R., The petitioner's father

is a leading politician belonging to the political party, which is opposed to the political party of the defacto-complainant. However, the Police arrested the petitioner and remanded him to custody.

5. It is submitted by the learned counsel for the petitioner that he is apolitical person and he has no political leanings and he was nowhere present at the time of the alleged incident. However, this is refuted by the respondent Police. Without going into the merits of the case, it is now seen that the defacto-complainant himself has come forward with the plea that the matter has been settled amicably with this petitioner and he has expressed his consent for quashing the F.I.R., as against the petitioner alone.

6. Today, Mr.M.Ravi, Sub Inspector of Police, Arakkonam Taluk Police Station is present and he has identified Andiappan, the defacto-complainant. Andiappan has filed an affidavit wherein in paragraph No.2, he has stated as follows :

"2. I state that, the petitioner S.Purushothaman did not attack me on 24.04.2014 and he was arrested by the police mistakenly. Therefore, I am swearing this affidavit to express my willingness to quash the FIR No:144/2014, pending on the file of the 1st respondent police against him. I also learned that he got an opportunity to work in East Africe and waiting for the police clearance and for the same this case need to be closed. Therefore, I am on my own without any influence by any one agreeing before this Hon'ble Court to quash the FIR No:144/2014 pending on the file of the Taluk Police Station, Arakkonam."

7. Taking into consideration the fact that, the petitoner is an youngster, has a career in life, this Court is of the opinion that in view of the settlement arrived at between the parties, following the dictum of the Hon'ble Supreme Court in Narindar Singh and Others Vs. State of Punjab and another reported in (2014) 6 SCC 466, the prosecution against the petitioner in Crime No.144 of 2015 is hereby quashed.

8. In view of the above, this Criminal Original Petition is allowed.

ds

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To :

1. The Inspector of Police,
Taluk Police Station,
Arakkonam, Vellore District.
 2. The Public Prosecutor, High Court, Madras.
- + 2 cc to Mr.D.Muthukumar, Advocat SR 43206

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