IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.19549 of 2015

S.Purushothaman .. Petitioner

Vs

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

2. Vijayan .. Respondents

Prayer:- Criminal Original Petition is filed under Section 482 Cr.P.C., praying to call for the records in Crime No.145 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.145 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. On a complaint lodged by one Vijayan, the respondent Police registered a case in Crime No.145 of 2014 under Sections 147, 148, 335, 324, and 506 (ii) IPC against fifteen named persons and unnamed others.

4. The crux of the allegation in F.I.R. is that, Vijayan (defacto-complainant) belongs to a political party and the named accused belongs to another political party and during campaign for the 2015 Parliamentary Election, a clash instituted between both the rival parties, in which he was injured. It may be relevant to state here that this petitioner has not been named as accused in the Crime No.145 of 2014. This petitioner's father is a local politician and so this petitioner was arrested and later released on bail.

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

5. Now this quash petition has been filed on the ground that the defacto-complainant and the petitioner have amicably arrived at a settlement.

6. Today, Vijayan, the defacto-complainant is present and he has been identified by Mr.M.Ravi, the Sub Inspector of Police, Arakkonam Taluk Police Station. Vijayan 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:145/2014, 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:145/2014 pending on the file of the Taluk Police Station, Arakkonam."

7. In view of the above, the prosecution against the petitioner in Crime No.145 of 2015 is hereby quashed, 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.

8. Accordingly, this Criminal Original Petition is allowed.

ds

s/d-
Assistant Registrar(CS-IV)

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 ccs to Mr.D.Muthukumar, Advocate SR 43205

ts(co)
prk19/8

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/