

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 8-9-2015

Coram

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.No.22662 of 2015

Vijay

.. Petitioner/Accused

Vs.

1. State, rep.by The Inspector of Police,
Ketti Police Station,
Nilgris District, Cr.No.44/2013 .. Respondent/Complainant
2. Sampathkumar .. Respondent/Defacto
Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. with a prayer to call for the records in C.C.No.28 of 2013 pending on the file of the learned Judicial Magistrate, Coonoor, and quash the proceedings as against the petitioner.

For Petitioner : Mr.C.R.Malarvannan

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

On a complaint lodged by Sampathkumar (defacto complainant/second respondent herein), the first respondent/Police registered a case in Cr.No.44 of 2013 and after completing investigation, filed final report in C.C.No.28 of 2013 before the Judicial Magistrate, Coonoor, under Section 294(b), 323, 506(i) IPC against Vijay/petitioner herein, who is none other than the son-in-law of the defacto complainant and wife of the petitioner herein. Now, it appears that the parties have arrived at a compromise and have come up with this petition for quashing the prosecution in C.C.No.28 of 2013.

2. Today Sampathkumar (defacto complainant) and Annapoornima (daughter of the defacto complainant and wife of the petitioner) are present and they are identified by Mr.C.R.Malarvannan, learned Counsel for the petitioner herein (Enrl.No.1347/1996).

3. Sampathkumar and Annapoornima filed separate affidavit and in the affidavit of Sampathkumar, it is stated as follows:

"4. I state that during trial even before entering the witness box for deposing evidence, I took time on the ground that compromise talks were going on as my relatives have advised to settle the matter amicably with the petitioner. But thereafter since I could not get more time, I gave evidence, two more witnesses have also been examined. But the petitioner has not cross examined any of them.

5. I state that under these circumstances now again the petitioner is coming forward for an amicable settlement and compromise the issue. The common friends and relatives for both of us also advised us to put a full stop to the whole litigation and purchase peace. Hence, I, my daughter and the petitioner herein have decided to bring this litigation to an end by entering into a compromise. In view of the compromise between us, I agree to compound the offences with the petitioner and state my no objection to quash the proceedings pending against the petition in C.C.No.28 of 2013 on the file of the learned Judicial Magistrate, Coonoor."

4. In view of the above, the prosecution in C.C.No.28 of 2013 on the file of Judicial Magistrate, Coonoor is quashed and this petition is allowed.
vr

s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police, Ketti Police Station,
The Nilgiris District.
2. The Judicial Magistrate, Coonoor.
3. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.N.Mohideen Basha, Advocate SR 48832

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