

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP. No.22852 of 2015

1.R.Umachander
2.Logeswaran @ Loganathan .. Petitioners

Vs

1.State rep by its
Inspector of Police
T-11, Thiruninravur Police Station
Thiruvallur District.

2.H.Shyamkumar ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the FIR in Cr.No.890 of 2014 dated 23.08.2014 filed u/s 294(b), 427 and 324 IPC on the file of the respondent police and quash the same by allowing this quash petition.

For Petitioners :	Mr.J.Balamurugan
For R1 :	Mr.C.Emalias, Addl.Public Prosecutor
For R2 :	Mr.A.Kumaraguru

ORDER

This petition has been filed to call for the records relating to the FIR in Cr.No.890 of 2014 dated 23.08.2014 filed u/s 294(b), 427 and 324 IPC on the file of the respondent police and quash the same by allowing this quash petition.

2. Heard the learned counsel for the petitioner, learned Additional Public Prosecutor appearing for the State and the learned counsel for the defacto complainant.

3. On a complaint lodged by Shyamkumar [defacto complainant/second respondent], the first respondent police registered a case in Cr.No.890 of 2014 on 23.08.2014 for offences under Sections 294(b), 427 and 324 IPC against the petitioners herein, challenging which the petitioners are before this Court for quashing the FIR on the ground that, the parties have arrived at an amicable settlement.

4. Today Mr. Shyamkumar [defacto complainant/second respondent] is present before this Court and he has filed an affidavit, wherein in he has stated as follows in paragraphs 2, 3 and 4:

"2. I submit that there were wordy quarrels between my family and the petitioners who are living in adjacent houses. While that being so, on 23.08.2014 since the act of the 1st petitioner abused and attacked severely including my wife which was not tolerable, I preferred a complaint against the petitioners before the 1st respondent police and based on the same Cr.No.890 of 2014 was also filed u/s 294(b), 427 and 324 IPC. Subsequently, the 1st petitioner also lodged a false complaint against myself and my family members and a case was registered in Cr.No.891/2014 dated 23.08.2014 u/s 147, 148, 294(b), 323, 324 and 506(ii) of IPC and the same was quashed. Wherein, the 1st petitioner feels regret for the thing happened and further undertakes that he will not indulge in such kind of activities in future. Hence, I came forward to compromise all the issues including the present FIR relating to the present criminal original petition.

3. I submit that in the foregoing circumstances, I would like to withdraw my complaint dated 23.08.2014 on the file of the 1st respondent police against the petitioners named above in Cr.No.890/2014. Hence, I have no objection to quash the FIR in Cr.No.890 of 2014 pending on the file of the 1st respondent police.

4. I submit that I swear this affidavit without any coercion, undue influence or whatsoever and I am well aware of the contents stated hereinabove."

सत्यमेव जयते
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In view of the above, this petition is allowed and the FIR in Cr.No.890 of 2014 is hereby quashed.

gms

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. Inspector of Police
T-11, Thiruninravur Police Station
Thiruvallur District.

2. The Public Prosecutor,
High Court, Madras.

+ 2 ccs to Mr.S.Viswanathan, Advocate SR 57293

ad(co)
prk30/10

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