

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.S.RAMANATHAN

Crl.O.P. No.445 of 2015

R.Sivaraj

... Petitioner

vs.

1. The State rep.by
the Inspector of Police,
Central Crime Branch - II,
Team - I, Egmore,
Chennai.
(Cr.No.128/2012)

2. R.Kumaran

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records of the respondent in Cr.No.128/2012 on the file of the respondent police and quash the same.

For Petitioner : Mr.S.Sivakumar
For 1st Respondent : Mr.M.Maharaja,
Addl.Public Prosecutor

O R D E R

This petition is filed to quash the FIR in Crime No.128 of 2012 on the file of the first respondent.

2. It is submitted by the learned counsel for the petitioner that at the instance of the second respondent, the above case was registered and when the first and third accused filed Anticipatory Bail Petition in Crl.O.P.No.11892 and 11923 of 2013, the matter was referred to the Mediation by this Court and in the mediation, the parties arrived at settlement and mediation report dated 17.9.2013 was received wherein it was stated that the parties had an amicable settlement in terms of the Compromise Memo filed by them. The learned Judge also incorporated the contents of the Compromise Memo filed by the defacto complainant and Accused 1 and 3 and disposed of those Criminal OPs in terms of the settlement.

3. It is seen from the said joint Compromise Memo that the second respondent herein agreed to withdraw the complaint given against the accused person in Crime No.128 of 2012 on the file of the first respondent police. Therefore, the learned counsel for the petitioner submitted that the FIR may be quashed.

4. The learned Additional Public Prosecutor submitted that the second respondent is not appearing and the second respondent may be directed to appear before the Court.

5. According to me, there is no need to issue notice to the second respondent as the parties have settled the matter and a joint Compromise Memo was also filed in Crl.O.P.No.11892 and 11923 of 2013 and as per the joint Compromise Memo, the second respondent/defacto complainant stated before this Court that he would not in any form execute, initiate any proceedings and all the proceedings initiated by him not only by filing FIR dated 24.9.2012 and also the earlier complaints filed by him against Sivaraj and others dated 22.7.2007 before the Assistant Commissioner of Police would be withdrawn.

6. As the second respondent had undertaken to withdraw the complaint given by him against the petitioner and another accused in Crime No.128 of 2012 and that was also acted upon by this Court in the earlier Criminal O.Ps. as referred to above, the FIR is liable to be quashed and accordingly, quashed and the present petition is allowed.

asvm

-s/d-

Deputy Registrar(J)

Dt:10/2/2015

True Copy

Sub-Assistant Registrar

To

1. The the Inspector of Police,
Central Crime Branch - II,
Team - I, Egmore,
Chennai.
(Cr.No.128/2012)

2. The Public Prosecutor,
Madras High Court,
Chennai.

+ 3 ccs to M/s.S.Sivakumar, Advocate SR 5536
ppa(co)
prk12/2

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