

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.06.2015

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.9670 of 2015
and M.P.Nos.1 and 2 of 2015

1.Shanthi Ram
2.Ramachandran

... Petitioners

Vs

1.The Commissioner of Police,
Chennai City, Veppery,
Chennai-7.

2.The Inspector of Police,
Central Crime Branch,
Veppery, Chennai-7.
(Crime No.65 of 2005)

3.T.S.Raja

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying for a direction to call for records in C.C.No.156 of 2012 on the file of the learned Judicial Magistrate, Alandur and quash the proceedings therein.

For Petitioners : Mr.J.Ramesh

For Respondents : Mr.C.Emalias,
Addl. Public Prosecutor [for R1,R2]
: Mr.Dakshinamoorthy [for R3]

ORDER

This Criminal Original Petition has been filed praying for a direction to call for records in C.C.No.156 of 2012 on the file of the learned Judicial Magistrate, Alandur and to quash the proceedings therein.

2. Heard the learned counsel for the petitioners; the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and the learned counsel appearing for the 3rd respondent and perused the materials placed on record.

3. On a complaint lodged by T.S.Raja, the respondent police registered a case in crime No.65 of 2005 for the offences under Section 406, 420 against one Shanthi Ram [A1], Ramachandran [A2], J.Arun Mozhi Varman [A3], Kiran P Servo [A4] and Deepak Poddar [A5]. After completing the investigation, the respondent

police filed a Final Report before the learned Judicial Magistrate I, Poonamallee for offence under Section 420 r/w 34 IPC and the same was taken on file as C.C.No.70 of 2005.

4. It is seen that Shanthi Ram [A1] and Ramachandran [A2] appeared before the Trial Court, but whereas J.Arun Mozhi Varman [A3], Kiran P Servo [A4] and Deepak Poddar [A5] are absconding. Since A3, A4 and A5 are absconding, the trial did not progress. In the meanwhile, Shanthi Ram [A1] and Ramachandran [A2] entered into a settlement with T.S.Raja, the defacto complainant and they have compensated him for the loss sustained by him. Hence, this application for quash has been filed by A1 and A2.

5. Today, the defacto complainant T.S.Raja is present in this Court and he has been identified by Mr.P.Murugesan, Inspector of Police, CCB, Team 21, who is the Investigation Officer in this case. T.S.Raja has filed an affidavit in which in paragraph No.2 and 3, it is stated as follows :

"2. I further state that pending trial of the above case, I entered into a compromise between me and the petitioners herein and the matter was settled between us as the commission received by them has been returned to me and hence there is no meaning in contesting the case unnecessarily right from the year 2005. In the interest of justice, equity and fair play, I may be permitted to settle the issue amicably.

3. I therefore pray that this Hon'ble Court may be pleased to accept this affidavit for NO OBJECTION for the petitioners herein in filing this petition for quashing and in getting the relief sought for in the said petition in view of a compromise reached between us and thus render justice."

6. The petitioner has also filed a supporting affidavit of one A.Ramesh Babu, who is a prosecution witness, wherein, he has also stated that he has no objection in the proceedings being quashed.

7. This Court questioned T.S.Raja and he stated that he has been adequately compensated by A1 and A2 and that he has no objection, if the entire proceedings is quashed including against the absconding accused. Normally, this Court will not quash a prosecution in respect of absconding accused. But in the peculiar facts and circumstances of the case, where the FIR was registered in the year 2005 and the Final Report was filed in the year 2005 before the learned Judicial Magistrate I, Poonamallee and from there, the case was transferred to the file of Judicial Magistrate, Alandur, where, it was renumbered as C.C.No.156 of 2012. In effect, this case has been pending from 2005 onwards. Therefore, no useful purpose will be served by keeping the case pending with respect to the other accused also.

8. Taking into consideration the aforesaid, the entire proceedings in C.C.No.156 of 2012 on the file of the learned

Judicial Magistrate, Alandur is hereby quashed as against all the accused in the Final Report, relying upon the decision in CBI Vs Narendralal Jain reported in 2014 [3] SCALE 137. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1.The Commissioner of Police,
Chennai City, Veppery,
Chennai-7.

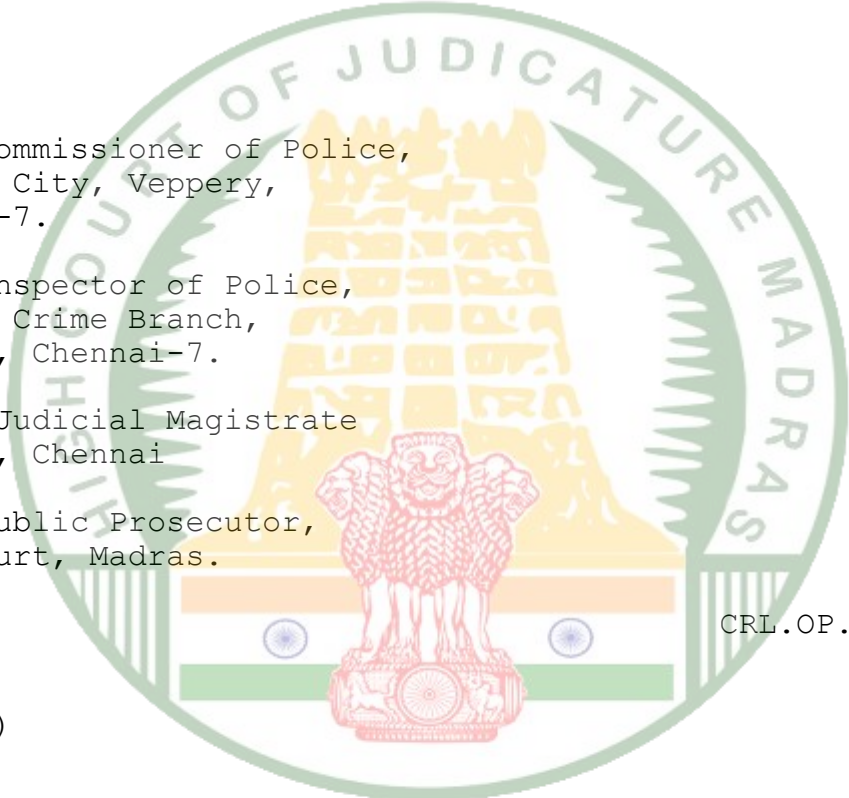
2.The Inspector of Police,
Central Crime Branch,
Veppery, Chennai-7.

3. The Judicial Magistrate
Alandur, Chennai

4.The Public Prosecutor,
High Court, Madras.

CRL.OP.No.9670 of 2015

KSJ (CO)
kk 15/6

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The gopuram is set against a background of a green and white striped field. The words "HIGH COURT OF JUDICATURE MADRAS" are inscribed in a green circle around the central image. Below the seal, the motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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