



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE C.T. SELVAM

CRL.O.P.Nos.22163 and 22094 of 2014

and

M.P.No.1 of 2014

WEB COPY

In Crl.O.P.No.22163 of 2014:

P.Anto Fernando

.. Petitioner/Defacto Complainant

Vs.

1.The State of Tamil Nadu

Represented by the Inspector of Police,
District Crime Branch, Madurai District.

2.The Superintendent of Police,

Madurai District, Madurai.

.. Respondents/Complainants

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to transfer the investigation of the case in Crime No.39 of 2014 pending on the file of the District Crime Branch Police Station to any other independent agency of officer or under the direct supervision of the Superintendent of Police.

For Petitioner

: Mr.N.Dilip Kumar

For Respondents

: Mr.K.Anbarsan

Government Advocate, (Crl. Side)

In Crl.O.P.No.22094 of 2014:

1.Hajeemoosa Omar

2.Faizal Omar

.. Petitioners/A1 & A2

..Vs..

1.The State of Tamil Nadu

The Inspector of Police,
District Crime Branch,
Madurai District.

(Crime No.39 of 2014)

..1st Respondent/Complainant

2.Anto Fernando

.. 2nd Respondent/ Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the FIR in Crime No.39 of 2014 on the file of the first respondent police and quash the same.

For Petitioners

: Mr.R.Gandhi

For R1

: Mr.K.Anbarsan

Government Advocate, (Crl. Side)

For R2

: Mr.N.DilipKumar

C O M M O N O R D E R

The petition in Crl.OP.No.22094 of 2014 has been filed to quash the FIR in Crime No.39 of 2014 on the file of the the Inspector of Police, District Crime Branch, Madurai District. The petition in Crl.OP.No.22163 of 2014 has been filed to transfer the case Crime No.39 of 2014 on the file of the the Inspector of Police, District Crime Branch, Madurai District to any other independent agency.

2.On a private complaint filed by one Anto Fernando, the first respondent police has registered the case in Crime No.39 of 2014 for offences under Sections 406, 420 r/w 34 IPC.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Presently, a supporting affidavit dated 12.03.2015 signed by the defacto complainant and also his Counsel, is filed. The same reads as



follows:

'I am the second respondent herein and the defacto complainant in a case registered in Crime No.39 of 2014 on the file of the first respondent police and I am well acquainted with the facts of the case.

I respectfully state that at my instance a case registered in Crime No. 39 of 2014 on the file of the first respondent police against the petitioners for the offences punishable under Sections 406, 420 r/w 34 IPC. Subsequent to the registration of the FIR, the petitioners/accused No.1 & 2 have filed the above Crl.O.P.No.22094 of 2014 for quashing the FIR registered at the instance in Crime No. 39 of 2014 on the file of the first respondent police. Pending the above case, I have entered into a compromise with the petitioners/Accused No.1 and 2 and sorted out our difference amicable. For effecting the compromise I have also entered into a joint compromise memo with the petitioners/accused No.1 and 2 on 10.03.2014. The joint compromise memo may be treated as part and parcel of this affidavit. Hence, I have no objection whatsoever in allowing the above case. I have no objection in allowing the quash petition and quash the case in Crime No.39 of 2014 on the file of the first respondent police since the matter has been amicable settled between both parties".

4. Accepting the compromise, the proceedings in Crime No. 39 of 2014 on the file of the first respondent shall stand quashed. The compromise memo shall form part of record. The Criminal Original Petitions are ordered. Consequently, the connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To,

- 1.The Inspector of Police, District Crime Branch, Madurai District.
- 2.The Superintendent of Police, Madurai District, Madurai.
- 3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.N.Dilip Kumar, Advocate in SR.No.12198

+1cc to Mr.R.Gandhi, Advocate in SR.No.12209

sm:30.03.2015:2P/6C

CRL.O.P.Nos 22163 and 22094 of 2014
12.03.2015