

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2016

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.11623 of 2016 and Crl.M.P. No.5930 of 2016

1 Mahender
2 Jeevanantham
3 Rajesh Kumar ... Petitioners
Vs.

1 The State
represented by the Inspector of Police
R-11 Royala Nagar Police Station
Chennai
2 Mohanlal ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pending on the file of the respondent police viz., Inspector of Police, R-11, Royala Nagar Police Station, Chennai in Crime No.318/2016 and to quash the criminal proceedings.

For petitioners Mr. S. Senthilvel

For R1 Mr. C. Emalias
Additional Public Prosecutor

For R2 Mr. R. Sasikumar
सत्यमेव जयते

ORDER

This Criminal Original Petition has been filed to call for the records pending on the file of the first respondent police, viz., Inspector of Police, R-11, Royala Nagar Police Station, Chennai in Crime No.318/2016 and to quash the same.

2 Heard the learned counsel for the parties.

3 On the complaint lodged by Mohanlal, the second respondent herein, the first respondent police registered a case in Crime No.318 of 2016 on 02.05.2016 under Section 457 and 480 IPC against the petitioners, challenging which the petitioners

are before this Court on the ground that they have arrived at an amicable settlement with Mohanlal, the de facto complainant/second respondent.

4 Today, Mohanlal, the de facto complainant/second respondent is present and is represented by Mr.R. Sasikumar, learned counsel. Mr. Mohanlal has also filed an affidavit dated 10.05.2016, wherein, he has stated as follows:

"6. I submit that on receipt of the direction from the 1st respondent police, I appeared before the learned Judicial Magistrate, No.1, Poonamallee and file application seeking permission to withdraw my complaint. But the learned Judicial Magistrate No.1, Poonamallee also informed me that they have no power to allowing me to withdraw my complaint and directed me to approach the appellate court and sought appropriate relief. In view of the directions from the first respondent and the learned Judicial Magistrate, No.1, Poonamallee, myself and petitioners/accused approach this Hon'ble Court filing petition to quash the F.I.R. proceedings, on the ground of compromise. Further the first petitioner is none other than the my brother's son and further offence is also taken place in the house of the 1st petition.

I submit that the petitioners/accused are innocent of the offence committed by them and they are young boys, if they were allowed to continue in the prison their life will be spoiled. Further my brother's family also afraid about the comments passed by the relatives and the neighbours. In view of the above, I am voluntarily come forward for filing this affidavit without any coercion or undue influence."

5 In view of the above, the proceedings in Crime No.318 of 2016 on the file of the first respondent police is quashed and this Criminal Original Petition stands allowed. Connected Crl.M.P. is closed.

6 It is also represented by the learned counsel for both the parties that pursuant to the registration of the case in Crime No.318 of 2016, the respondent police have recovered some jewels and cash and the same has been intimated to the Judicial Magistrate No.1, Poonamallee by the police.

7 Mr. S. Senthilvel, learned counsel for the petitioners/accused submits that the petitioners/accused have no objection in the Judicial Magistrate No.1, Poonamallee handing over the jewellery and cash to Mohanlal, the de facto complainant.

Recording the same, liberty is given to Mohanlal, the de facto complainant, to file an application for return of property before the Judicial Magistrate Court No.1, Poonamallee and on the same being filed, the jewellery and cash shall be returned to Mohanlal, unconditionally, since FIR itself has been quashed by this Court.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Inspector of Police,
R-11 Royala Nagar Police Station,
Chennai.
- 2 The Judicial Magistrate No.1,
Poonmallee.
- 3 The Public Prosecutor,
Madras High Court,
Chennai 600 104.

+2cc to Mr.S.Senthilvel, Advocate Sr.45024

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Cr1. O.P.No. 11623 of 2016

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