

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.16399 of 2016

1.S.Manoj Kumar

2.K.Balaprabhu

..Petitioners/Accused 1&2

Vs

1.The State rep by its
The Inspector of Police
North Police Station
Tiruppur.

..1st Respondent/Respondent

2.M.Kannan

..2nd Respondent/Defacto
Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in Cr.No.689 of 2016 on the file of the 1st respondent police and quash the same.

For Petitioners : Mr.K.Myilsamy
For R1 : Mr.C.Emalias,
Addl.Public Prosecutor
Mr.A.Palniappan (Pro bono)

O R D E R

This petition has been filed to call for the records in Cr.No.689 of 2016 on the file of the 1st respondent police and quash the same.

2. On the complaint lodged by Kannan, the respondent police have registered a case in Cr.No.689 of 2016 on 18.06.2016 for offences u/s 294(b), 323, 447, 342, 506(i) and 379 IPC against Manoj Kumar and Balaprabhu, challenging which they are before this Court for quashing the FIR on the ground that the parties have arrived at a compromise.

3. Today, Ms.Kalavathi, Inspector of Police, North Police Station, Tiruppur, is present before this Court. Kannan/de facto complainant is also present before this Court.

4. This Court requested Mr.A.Palaniappan, an Advocate of this Court, to take up the case of Kannan pro bono.

5. Heard Mr.K.Myilsamy, learned counsel appearing for the

petitioners; Mr.A.Palaniappan and the learned Additional Public Prosecutor appearing for the State.

6. Kannan had filed an affidavit, wherein it is stated as follows:

"1. I state that I am the 2nd respondent/ de facto complainant in the aforesaid Cr1.O.P. and I am fully aware of the facts and the circumstances of the case.

2. I respectfully submit that on account of intervention of my friends and well wishers myself and the petitioners herein have resolved to settle our disputes on 23.06.2016. The aforesaid settlement of dispute between myself and the petitioners herein was on account of my accord out of my free will with that without any intervention or compulsion from any person whomsoever.

3. I further submit that this affidavit has been sworn by me of my own accord to express that the aforesaid compromise is between myself and the petitioners was entered without any coercion or intervention or any compulsion."

In view of the above, this petition is allowed and the proceedings in Cr.No.689 of 2016 on the file of the 1st respondent police are quashed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Inspector of Police
North Police Station
Tiruppur.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K. Myilsamy, Advocate, S.R.No.46996

CA(CO)

EU(16/09/2016)

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