

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.29621 of 2015

1.V.S.Ponraj

2.Vicky Alias Vignesh

3.M.Pranesh

..Petitioners/A1, A2, & A5

Vs.

1. The Sub Inspector of Police,  
Udumalpet Police Station,  
Tirupur District.

..Respondent/Complainant

2. G.Mohanraj

...Respondents/De-Facto

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the Crime No.832 of 2015 on the file of the Sub-Inspector of Police, Udumalpet Police Station, Tirupur District.

For Petitioners : Mr.N.Anand Venkatesh  
For Respondents : Mr.C.Emalias,  
Addl.Public Prosecutor,  
for R.1

ORDER

The present criminal original petition has been filed to call for the records and quash the Crime No.832 of 2015 pending on the file of the Sub-Inspector of Police, Udumalpet Police Station, Tirupur District.

2. The petitioners are accused in Crime No.832 of 2015 on the file of the first respondent police. The second respondent is the de facto complainant.

3. Based on the complaint given by the second respondent as against the petitioners and others on the allegation of kidnapping, a case was registered in Crime No.832 of 2015 for the alleged offence punishable under Sections 147, 341, 294(b), 323, 387, 365 and 307 I.P.C. To quash the said proceedings, the petitioners have come up with the present petition.

4. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioners represented that the dispute between the parties was amicably settled. In this regard, the second respondent has filed an affidavit stating that they have entered into a compromise. The second respondent/de-facto complainant has also stated in his sworn affidavit that he has no objection to quash the FIR in Crime No.832 of 2015 pending on the file of the first respondent police.

5. However, learned Additional Public Prosecutor opposed to quash the FIR stating that the said complaint has been registered under Sections 387, 365 and 307, which are non-compoundable offences.

6. Keeping the submissions made on either side, I have carefully gone through the entire materials available on record.

7. Considering the facts and circumstances of the case and considering the fact that since the petitioners and the second respondent have amicably settled the dispute by entering into a compromise, I am of the opinion that the FIR in Crime No.832 of 2015 pending on the file of the first respondent police could be quashed in so far as the petitioners are concerned, since the possibility of conviction will be remote and bleak. Further, it is unnecessary to drag on the proceedings of the present case which would cause great oppression and prejudice and extreme injustice to the petitioners, if the FIR is not quashed.

8. In fine, the FIR in Crime No.832 of 2015 pending on the file of the first respondent police is quashed in so far as the petitioners are concerned and the criminal original petition is allowed.sbi

Sd/-  
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Sub Inspector of Police, Udumalpet Police Station,  
Tirupur District.

2.The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.N.Anand Venkatesh, Advocate Sr 1451

KR/3/2/16

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