

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2016

CORAM:

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

Cr1.O.P. No.20515 of 2016

1.T.Rajendran
2.S.P.Arumugam
3.M.G.Sekar
4.G.Palani
5.Balasubramaniam
6.Gokul

...Petitioners

vs.

1.State rep by
The Inspector of Police
R-8 Vadapalani Police Station
Vadapalani, Chennai.

2.S.P.Senthilkumar

...Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to accept the compromise and quash the proceedings against the petitioners in C.C.No.2287 of 2012 pending on the file of learned XVII Metropolitan Magistrate, Saidapet, Chennai.

For petitioners : Mr.S.Parthiban

For Respondents : Mr.C. Emalias
Additional Public Prosecutor for R1
Mr.K.Balasubramaniam for R2

ORDER

This petition has been filed to accept the compromise and quash the proceedings against the petitioners in C.C.No.2287 of 2012 pending on the file of learned XVII Metropolitan Magistrate, Saidapet, Chennai.

2. Heard the learned counsel for the petitioners, learned Additional Public Prosecutor appearing for the State and the learned counsel for the de facto complainant.

3. On the complaint lodged by S.P.Senthil Kumar, the first respondent police registered a case in Cr.No.626 of 2012 on 08.04.2012, and after completing the investigation has filed a Final Report in C.C.No.2287 of 2012 before the XVII Metropolitan Magistrate Court, Saidapet, Chennai, for offences u/s 147, 448, 427, 323 r/w 34 IPC against the petitioners herein, challenging which they are before this Court, on the ground that they have arrived at a compromise with the de facto complainant.

4. The petitioners and the de facto complaint are present and they are identified by Ms.K.Sujee, W.Gr.I 28150, R-8 Vadapalani Police Station, who is also present before this Court.

5. A copy of the Joint Compromise Memo dated 2nd September 2016 has been filed, wherein it is stated as follows:

".....

3. The petitioners and the 2nd respondent/de facto complainant herein undertake and assure that each of them will not lodge any complaint against each other in future.

4. The 2nd respondent/De-facto complainant undertakes to withdraw the case against the petitioners in C.C.No.2287/2012 pending on the file of learned XVII Metropolitan Magistrate, Saidapet, Chennai and undertakes to cooperate with the petitioners to quashing the criminal proceedings.

5. The petitioners and the 2nd Respondent/De-facto complainant filed joint affidavit before the Hon'ble High Court for quashing of the proceedings in C.C.No.2287/2012 pending on the file of learned XVII Metropolitan Magistrate, Saidapet, Chennai.

6.The petitioners and the 2nd respondent/De-facto Complainant agree to appear before the Hon'ble High Court and give their consent for quashing of the proceedings in C.C.No.2287/2012 pending on the file of learned XVII Metropolitan Magistrate, Saidapet, Chennai.

7.The petitioners and the 2nd respondent/De-facto complainant submits that they have voluntarily come forward and filing this Joint Compromise Memo without any coercion or undue influence."

In view of the above, this petition is allowed and the prosecution in C.C.No.2287 of 2012 on the file of the XVII Metropolitan Magistrate Court, Saidapet, Chennai, is hereby quashed. The petitioners are directed to pay costs of Rs.5,000/- [Rupees five thousand only] to the Tamil Nadu State Judicial Academy, No.30(90), P.S.K.R.Salai, Greenways Road, R.A.Puram, Chennai-28, within a period of two weeks from the date of receipt of a copy of this order.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

gms

To

1. XVII Metropolitan Magistrate,
Saidapet, Chennai.

2.The Director,Tamil Nadu State Judicial Academy,
No.30(90), P.S.K.R.Salai,
Greenways Road, R.A.Puram,
Chennai-28.

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3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

1 CC to Mr.S.Parthiban, Advocate, SR. 51335

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NR (CO)
PSI 05/10/2016



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