

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2016

CORAM:

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

Crl.O.P. No.21073 of 2016

Krishnan Kailasam

Petitioner

vs.

1 State by Inspector of Police
S.15, Selaiyur Police Station
Chennai 600 073

2 The Inspector of Police
C.C.B. Team 23
Office of the Commissioner of Police
Vepery, Chennai 600 007

3 S. Balasubramanian

Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to quash the FIR No.982 of 2009 registered on 04.09.2009 by the first respondent now pending investigation before the second respondent under Section 417, 418 and 420 read with Section 34 IPC.

For petitioner : Mr. R.C. Paul Kanagaraj

For RR 1 & 2 : Mr. C. Emalias, Addl. Public Prosecutor

For R3 : Mr. K. Ramesh

ORDER

This Criminal Original Petition has been filed seeking to quash the First Information Report in FIR No.982 of 2009 dated 04.09.2009 on the file of the first respondent, now, pending investigation before the second respondent under Sections 417, 418 and 420 read with Section 34 IPC.

2 On the complaint lodged by Balasubramanian, the third respondent herein/de facto complainant, the Inspector of Police, S-15 Selaiyur Police Station registered a case in Crime No.982 of 2009 for offences under Sections 417, 418 and 420 read with Section 34 IPC on 04.09.2009 against one Rajendran (A1), Krishnan Kailasam (A2) and Selvam (A3). Subsequently, the said FIR was transferred to the file of the Inspector of Police, Central Crime Branch, Team - 23, Chennai. Now, Krishnan Kailasam (A2) has filed this Criminal

Original Petition seeking quashment of the FIR on the ground that the parties have arrived at a compromise.

3 Today, Krishnan Kailasam (A2) and Balasubramanian (de facto complainant) are present and they are identified by Mr. G. Selvaraj, SSI/CCB, Team - 23, who is also present before this Court.

4 Krishnan Kailasam (A2) and Balasubramanian (de facto complainant) have filed a joint memo of compromise, wherein, it has been averred as under:

"Thiru. S. Balasubramanian, S/o G. Swaminathan, Hindu, aged about 72 years, No.12, East Vellala Street, Karanthai, Thanjavur 613 002, do hereby solemnly affirm and sincerely affirm as follows and I am the de facto complainant in the above said crime no.982 of 2009 and I am well acquainted with the case.

We now jointly swear the affidavit before this Hon'ble Court to quash the FIR registered in Crime No.982 of 2009 on 04.09.2009 by the first respondent now pending investigation before the second respondent under Section 417, 418 and 420 r/w 34 IPC on the ground of compromise.

We state during the pendency of the case, we had jointly come for a settlement and the matter has been settled between ourselves and the matter has been compromised.

We state that this joint compromise is not being done on any compulsion or coercion and only with our well and wish.

It is therefore prayed that this Hon'ble Court may be pleased to accept our joint compromise memo and pass such suitable order in the above matter and thus render justice."

5 In view of the above, the First Information Report in FIR No.982 of 2009 pending on the file of the Central Crime Branch, Team-23, Chennai, is quashed against all the accused, including those who have not approached this Court.

Resultantly, this Criminal Original Petition is allowed.

cad

Sd/-
Assistant Registrar (CS-)

/TRUE COPY/

Sub-Assistant Registrar

To

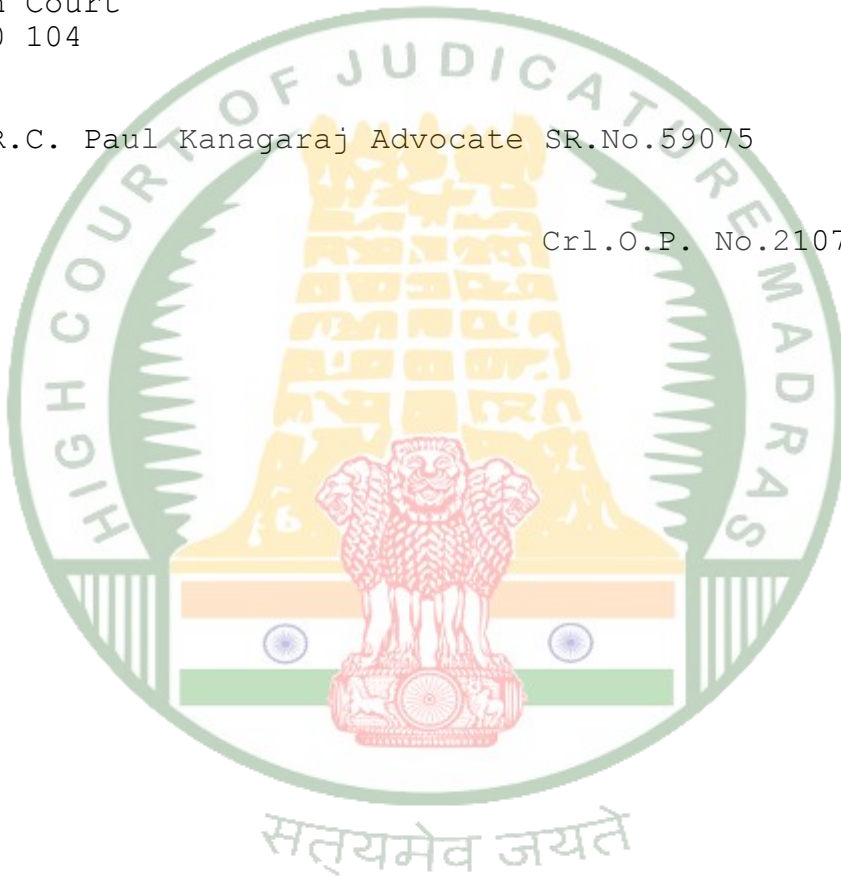
- 1 The Inspector of Police
S.15, Selaiyur Police Station
Chennai 600 073
- 2 The Inspector of Police
C.C.B. Team 23
Office of the Commissioner of Police
Vepery, Chennai 600 007
- 3 The Public Prosecutor
Madras High Court
Chennai 600 104

+1 CC Mr. R.C. Paul Kanagaraj Advocate SR.No.59075

Cr1.O.P. No.21073 of 2016

VD

MSI 04/11/2016



WEB COPY