

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.Nos.21400 and 22394 OF 2016

Muthusamy ... Petitioner in Crl.OP.21400
of 2016 & Single Accused

Settu ... 1st Petitioner in Crl.OP.22394
of 2016 & 1st Accused

Settu ... 2nd Petitioner in Crl.OP.22394
of 2016 & 2nd Accused

versus

1.The State rep. by Inspector of Police,
Vellore South Police Station,
Vellore District. ... 1st respondent in both the
Petitions/Complainant

2. Nagarajan ... 2nd Respondent in Crl.OP.21400
of 2016/Defacto Complainant

3. Muniyan ... 2nd Respondent in Crl.OP.22394
of 2016/Defacto Complainant

Prayer in Crl.OP 21400 of 2016: This petition is filed under
Section 482 Cr.P.C., praying to call for the records pending
on the file of the Inspector of Police, Vellore South Police
Station, Vellore District in Crime No.342 of 2014 and quash
the same.

Prayer in Crl.OP 21400 of 2016: This petition is filed under
Section 482 Cr.P.C., praying to call for the records pending
on the file of the Inspector of Police, Vellore South Police
Station, Vellore District in Crime No.74 of 2014 and quash the
same.

For Petitioner : Mr.V.Parthiban for
Mr.E.Kannadasan

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

COMMON ORDER

<https://hcservices.ecourts.gov.in/hcservices/>
These petitions are filed, seeking to quash the
proceedings in Crime Nos.342 of 2014 and 74 of 2014 pending on
the file of the Inspector of Police, Vellore South Police
Station, Vellore District.

2. It appears that based on the complaint lodged by one Nagarajan, the first respondent police registered a case in Crime No.342 of 2014 against the petitioner Muthusamy, for the offences under Sections 341, 294(b), 393, 332, 307 IPC and Section 3 of Tamil Nadu Public Property Damages and Loss Act r/w Section 25(1-A) of Indian Arms Act, 1959.

3. Likewise, on the complaint given by one Muniyan, the first respondent police registered a case in Crime No.74 of 2014 against the petitioners Muthusamy and Settu, for the offences 392 and 397 IPC.

4. The learned counsel for the petitioners submitted that since the petitioners/accused and the defacto complainants have arrived at a compromise and on that ground, he sought for quashing the FIRs.

5. Learned Additional Public Prosecutor appearing for the State, submitted that as regards Crime No.342 of 2014, investigation is completed and the the final report is ready for filing and the accused Muthusamy is a history sheeter. As regards Crime No.74 of 2014, learned Addl.Public Prosecutor submitted that after completion of the investigation, a final report has already been filed before the learned Judicial Magistrate No.I, Vellore and it is yet to be taken on file by the learned Magistrate.

6. In view of the submissions made by the learned Additional Public Prosecutor, this Court pass the following:

i) the first respondent police is directed to file the final report in Crime No.342 of 2014 within a period of one month from the date of receipt of a copy of this order before the learned Judicial Magistrate No.I, Vellore, who in turn, is directed to expedite the committal process early as possible provided the accused Muthusamy, shall appear before the Court to enable Magistrate to commit the case.

ii) Muthusamy, the petitioner herein is at liberty to approach this Court after committal of the case, seeking to expedite the trial.

With this direction, CrI.O.P.No.21400 of 2016 is disposed of.

iii) since the final report has already been filed in Crime No.74 of 2014, the learned Judicial Magistrate No.I is directed to take cognizance of the final report and proceed with the trial and complete the same within a period of six months from the date of the receipt of a copy of this order, provided Muthusamy and Settu shall appear before the trial Court, and co-operate with the trial by cross-examining the witnesses on the same date when they are examined in chief, as directed by the Hon'ble Supreme Court in "Vinod Kumar versus State of Punjab" reported in (2015(1) MLJ (CrI.) 288.

With the above direction, the Crl.O.P.No.22394 of 2016 is disposed of.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Suk

To

1.The Judicial Magistrate No.I,
Vellore.

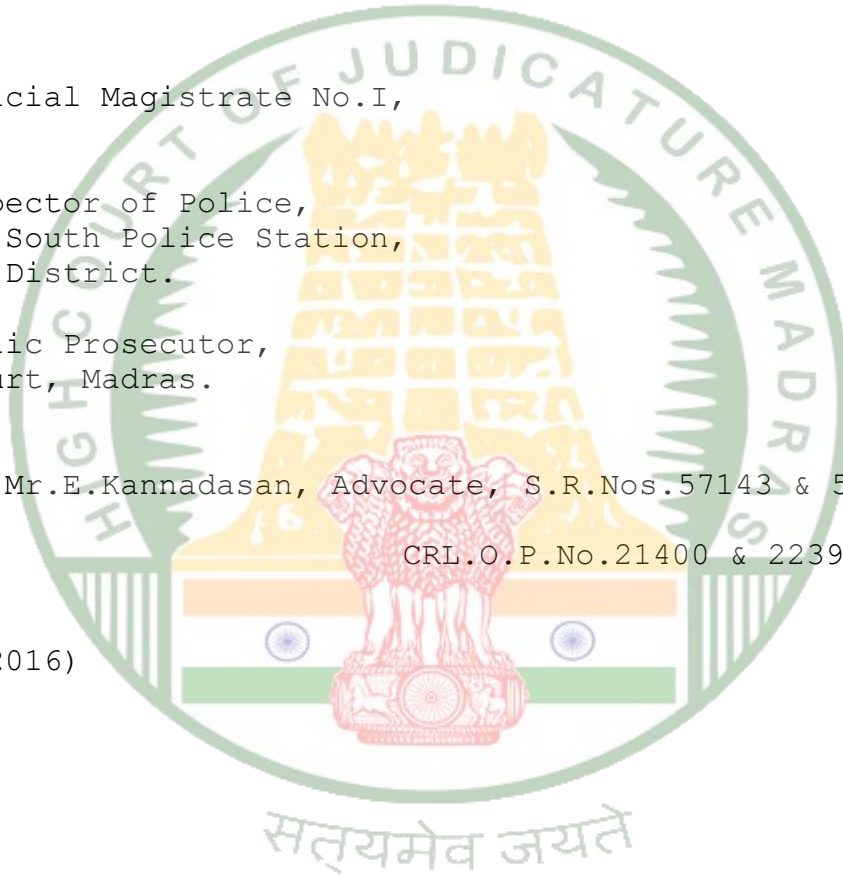
2.The Inspector of Police,
Vellore South Police Station,
Vellore District.

3.The Public Prosecutor,
High Court, Madras.

+2cc's to Mr.E.Kannadasan, Advocate, S.R.Nos.57143 & 57144

CRL.O.P.No.21400 & 22394 of 2016

SAI (CO)
CA(24/10/2016)



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