

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2016

CORAM

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

Crl.O.P. No.22073 of 2016

and Crl.M.P.No.10246 of 2016

D.Pradeep Kumar

Petitioner/Accused

vs.

State rep by
The Inspector of Police
Uthukuli Police Station
Uthukuli
Tiruppur District.

Respondent/Complainant

Criminal Original Petition filed under Section 482, Cr.P.C. to quash the proceedings in C.C.No.346 of 2015 pending on the file of learned Judicial Magistrate, Avinashi, Tiruppur District.

For petitioner Mr.K.R.Samratt

For Respondent Mr.C.Emalias
Additional Public Prosecutor

ORDER

This petition has been filed to quash the proceedings in C.C.No.346 of 2015 pending on the file of learned Judicial Magistrate, Avinashi, Tiruppur District.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. On the complaint lodged by Palanisamy, the respondent police registered a case in Cr.No.323 of 2014 on 27.09.2014 and after completing investigation, filed a Final Report in C.C.No.77 of 2015 before the Judicial Magistrate, Avinashi for offences u/s 420 and 506(i) IPC against the petitioner herein, challenging which this quash application has been filed.

4. It is seen that when the FIR was registered, Pradeepkumar filed Crl.O.P.No.2443 of 2015 for anticipatory bail, in which Palanisamy, the de facto complainant intervened. During the pendency of the anticipatory bail application, Pradeepkumar appears to have paid Rs.3 lakhs to Palanisamy. Even in the order dated 16.07.2015 passed by this Court in

Crl.O.P.No.2443 of 2015, it is stated as follows:

"3.When the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted that the petitioner handed over a demand draft for a sum of Rs.3 lakhs to the defacto complainant. The learned counsel appearing for the defacto complainant received the same.

4. Considering the factual aspects of the case and the nature of the offence and also recording the submissions of either side, this Court is inclined to grant the relief of anticipatory bail to the petitioner by imposing stringent conditions."

5. Today Palanisamy is present and when this Court questioned him, he stated that he has received Rs.3 lakhs and that he has no objection for the prosecution being quashed. He has been identified by Mr.P.Manokaran, Special Sub Inspector of Police, Uthukuli Police Station and Palanisamy has also filed an affidavit, which reads as under:

"I further submit that I have received the entire amount of Rs.3,00,000/- (Three lakhs only) which was due to me from D.Pradeep Kumar, the petitioner/accused herein by way of Demand Draft and the same recorded by this Hon'ble Court in Crl.O.P.No.2443 of 2015 which was filed by the petitioner herein for seeking anticipatory bail.

I submit that I have received all my dues in full from the petitioner herein and I voluntarily have come forward to give consent to quash the proceedings pending against the petitioner in C.C.No.346 of 2015 on the file of learned Judicial Magistrate, Avinashi, Tiruppur District and thus render justice."

In view of the above, this petition is allowed and the proceedings in C.C.No.346 of 2015 on the file of the Judicial Magistrate, Avinashi, Tiruppur District is quashed. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police
Uthukuli Police Station
Uthukuli
Tiruppur District.

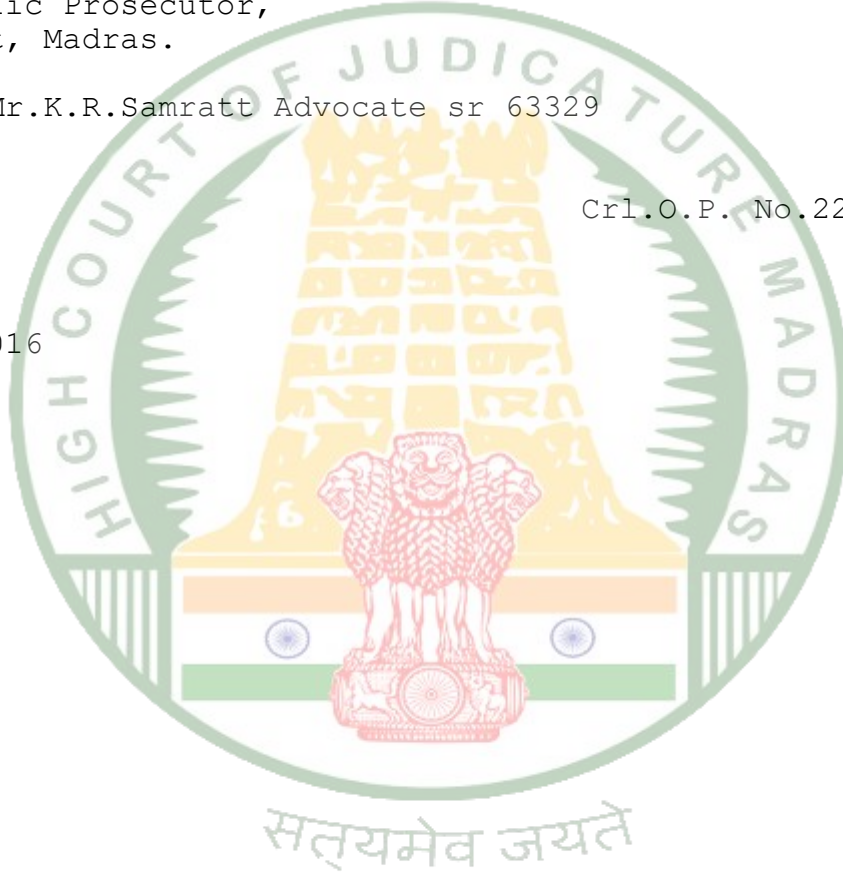
2.The Judicial Magistrate,
Avinashi, Tiruppur District.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.K.R.Samratt Advocate sr 63329

Crl.O.P. No.22073 of 2016

nmI (co)
aa08/12/2016



WEB COPY