

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2016

CORAM:

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

CrI.O.P. No.22330 of 2016

1 John Bosco
2 Sathish Kumar @ Sathish
3 Naresh Kumar @ Naresh Petitioners/ Accused 1 to 3

vs.

1 State represented by
the Sub Inspector of Police
Law & Order
T-2, Ambattur Estate Police Station
Ambattur Estate
Chennai 600 058 1st Respondent/ Complainant

2 S. Jeyaraj 2nd Respondent/
Defacto Complainant

Criminal Original Petition filed under Section 482,
Cr.P.C. seeking to call for the records in C.C.No.277 of 2016
on the file of the Judicial Magistrate, Ambattur and quash the
same.

For petitioners Mr. G. Krishnakumar

For R1 Mr. C. Emalias
Addl. Public Prosecutor

For R2 Mr. R. Murugan

ORDER

This Criminal Original Petition has been filed seeking
to call for the records in C.C. No.277 of 2016 on the file of
the Judicial Magistrate, Ambattur and quash the same.

2. On the complaint lodged by Jeyaraj, the respondent
police registered a case in Cr.No.457 of 2015 and after
completing investigation, have filed a Final Report in
C.C.No.277 of 2016 before the Judicial Magistrate, Ambattur
for offences u/s 323, 354, 506(i) IPC r/w 34 IPC and Section 4
of Tamil Nadu Prohibition of Harassment of Women Act,
challenging which the accused are before this Court for
quashing the prosecution, on the ground that the parties have
arrived at a compromise.

Bosco [A1]. A quarrel ensued among the family members on 18.10.2015, in which it is alleged that the accused had assaulted the de facto complainant and his wife Sarala. Hence, the FIR and the Final Report.

4. Today, the accused John Bosco [A1], Sathish Kumar [A2] Naresh Kumar [A3] and the de facto complainant, S.Jeyaraj are present and they are identified by Ms.Sundari, Inspector of Police, T-2, Ambattur Estate Police Station, who is also present before the Court. S.Jeyaraj, the de facto complainant has filed an affidavit, in which it is stated as follows:

"4. I submit that the said incident was happened in view of the fact that there is a sudden provocation made the petitioners to attack me. Thereafter on the intervention of the elders and family members the petitioners and I sort out our differences and settled our disputes amicably. In view of the said amicable settlement arrived between the parties I am agreed for quashing the above case and also filed the present affidavit that effect along with the quash petition."

In view of the above, this petition is allowed and the proceedings in C.C.No.277 of 2016 on the file of the Judicial Magistrate, Ambattur is hereby quashed. The petitioners are directed to pay costs of Rs.10,000/- [Rupees ten 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 and file a memo of compliance to this Court.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

gms

To

1 The Sub Inspector of Police
Law & Order
T-2, Ambattur Estate Police Station
Ambattur Estate
Chennai 600 058.

2 The Judicial Magistrate,
Ambattur.

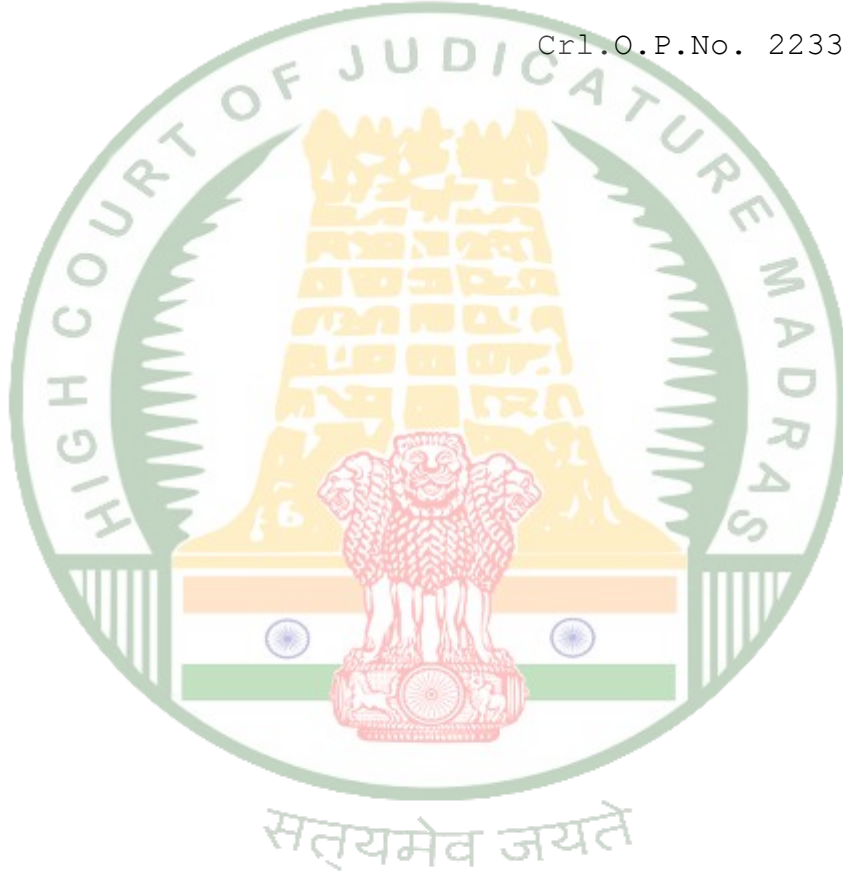
3 The Director,
Tamil Nadu State Judicial Academy,
No.30 (90), P.S.K.R.Salai,
Greenways Road, R.A.Puram,
Chennai-28

4 The Public Prosecutor
High Court of Madras
Chennai 600 104

1 cc to Mr.G. Krshnakumar, Advocate Sr. 66636

Crl.O.P.No. 22330 of 2016

VGI (CO)
kk 2/12



WEB COPY