

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 08..11..2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition No.22851 of 2016

- 1.C.Sekar @ Mattu Sekar
- 2.Pradap Chandru
- 3.Sakthi Velan
- 4.Dilli Babu

... Petitioners

-Versus-

- 1.State Rep. by
Inspector of Police,
K-10, Police Station,
Koyambedu,
Chennai 600 107.

- 2.Damodaran

- 3.L.V.Ravi Prasad *
[* Impleaded as per the order of this court dated
08.11.2016 in CrI.M.P.No11563 of 2016 in
CrI.O.P.No.22851 of 2016]

... Respondents

Prayer: This petition is filed under Section 482 Cr.P.C. praying to call for the records relating to the case in FIR in Crime No.702 of 2016 pending on the file of the 1st respondent - Inspector of Police, K-10 Police Station, Koyambedu, Chennai and to quash the said case.

For Petitioners : Mr.A.Selvendran
For Respondents : Mr.C.Emalias, APP for R1
Mr.G.Saravana Kumar

ORDER

On the complaint of one Damodaran, the 1st respondent police have registered a case in Crime No.702 of 2016 for offences under Sections 341, 294(b), 384 and 506(ii) of IPC against (1) C.Sekar @ Mattu Sekar, (2) Pradap Chandran, (3) Sakthi Velan and (4) Dilli Babu, who are petitioners herein for quashing which the petitioners/accused have come up with the present original petition on the ground that they have entered into a compromise with the de facto complainant.

2. On reading of the complaint which formed the basis of the FIR it is stated by Damodaran that he is a watchman working under L.V.Ravi Prasad and he was asked to guard the property belonging to his master. On 08.07.2016, the accused came in a Maruti Ertiga car bearing Regn. No.TN 05 BA 6651 and threatened him saying that his master has to pay rupees three crores to them. Hence, the FIR.

3. Today, Mr.K.Pushparaj, Head Constable (HC 15172) is present in court. On instructions from him, the learned Additional Public Prosecutor submitted that C.Sekar @ Mattu Sekar is a previous history sheeter and he has got several cases to his credit.

4. Per contra, the learned counsel appearing for C.Sekar @ Mattu Sekar submitted that those cases are all old cases in which he has been exonerated.

5. Be that as it may, it is seen that C.Sekar @ Mattu Sekar had filed a suit in C.S.No.325 of 2016 before this court against L.V.Ravi Prasad and his mother in respect of the property in question and then the parties appear to have arrived at a compromise in the suit based on which a decree has been passed by this court in favour of C.Sekar @ Mattu Sekar on 29.09.2016. Even in the compromise memo filed in the suit, it is averred as follows:-

(9) That the defendants herein through their workmen Mr.Dhamodaran aged about 56 years, son of Munian, residing at No.56, Gandhi Street, Mettukulam, Koyambedu, Chennai 600 101 have filed a criminal complaint before the Inspector of Police, K-10, Koyambedu Police Station against the plaintiff herein and the same has been registered as FIR No.702 dated 08.07.2016 during the perusal of dispute and since the entire dispute has been settled, the 1st defendant herein, agrees to withdraw the complaint pending on the file of the Inspector of Police, Koyambedu Police Station as FIR No.702 dated 08.07.2016."

6. In the above back ground, the present petition has been filed seeking to quash the case registered against the petitioners.

7. Today, the petitioners, the de facto complainant Damodaran and L.V.Prasad are present. They have been identified by the Head Constable who was present in court. The de facto complainant Damodaran has filed an affidavit dated 19.09.2016 wherein he has stated as follows:-

"3. It is submitted that the complaint was given only on the advice of the land owners, since the land owners have

settled the dispute with the 1st petitioner, I have no intention to pursue the criminal proceedings. So in the interest of the land owners viz MRs.Ranganayaki and L.R.Ravi Prasad and the petitioners herein, the 2nd respondent herein intends to withdraw the complaint lodged by him."

8. In the light of the above, the criminal original petition is allowed and the case in Crime No.702 of 2016 registered by the 1st respondent police is quashed in its entirety.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

kmk

To

- 1.The Inspector of Police, K-10, Police Station, Koyambedu, Chennai 600 107.
- 2.The Public Prosecutor, High Court, Madras.

+1cc to Mr.A. Selvandran, Advocate, S.R.No.64473
+1cc to Mr.M. Sriram, Advocate, S.R.No.64178

LRS (CO)
EU 16.12.16

Cr1.O.P.No.22851 of 2016

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