

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2016

CORAM:

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

CrI. O.P. No.22912 of 2016

R. Manoharan

... Petitioner/Accused 3

Vs.

1.State represented by
the Inspector of Police
J-8 Neelangarai Police Station
Chennai. 1st Respondent/Complainant

2.Nallakannu
Manager
Devi Marine Food Exports Pvt. Ltd.
No.3/284, Muttukadu Road
Neelankarai, Chennai - 600 041 2nd Respondent/Defacto
Complainant

Criminal Original Petition filed under Section 482, Cr.P.C.
seeking to call for the records relating to PRC No.14 of 2011 in
Cr. No.384/2010 on the file of the Judicial Magistrate at
Alandur and quash the charge sheet filed in the same as far as
the petitioner is concerned.

For petitioner : Ms. Mercy Anna Pushpam

For R1 : Mr. C. Emalias
Additional Public Prosecutor

For R2 : Mr. P. Sam Japa Singh

ORDER

This Criminal Original Petition has been filed seeking to
call for the records relating to PRC No.14 of 2011 in Cr.
No.384/2010 on the file of the Judicial Magistrate at Alnadur
and quash the charge sheet filed in the same as far as the
petitioner is concerned.

2. On the complaint lodged by one Nallakannu, the second
respondent herein, the first respondent police registered a case
in Crime No.384 of 2010 under Sections 448 and 506(II) IPC read
with Section 3(1) of the Tamil Nadu Public Property (Prevention

of Damage and Loss) Act, 1992 and after completing the investigation, filed a final report in P.R.C. No.14 of 2011 before the Judicial Magistrate, Alandur, under the aforesaid sections, against Niraichelvi (A1), Porselvi (A2) and Manoharan (A3), for quashing which, Manoharan (A3) is before this Court, on the ground that the parties have arrived at a compromise.

3. Today, Manoharan (A3/petitioner herein) and Nallakannu (de facto complainant/second respondent herein) are present and they are identified by Mr. M.C.Ramesh, Inspector, J-8 Neelengarai Police Station, who is also present before this Court.

4. Manoharan (A3/petitioner herein) and Nallakannu (de facto complainant/second respondent herein) have filed a joint memo of compromise dated 03.10.2016, wherein, it has been stated as under:

"5. The petitioner submits that as the matter was settled and as the de facto complainant is ready to compound the offence and withdraw the complaint against the petitioner, the petitioner/A3 filed this quash petition to quash the charge sheet on the said grounds before this Hon'ble Court praying to quash the same.

Hence, in this circumstances, it is humbly prayed that this Hon'ble Court may be pleased to record this memo of compromise filed by the de facto complainant and the petitioner and quash the charge sheet filed against the petitioner in P.R.C. No.14 of 2011 in Crime No.384/2010 on the file of the Judicial Magistrate at Alandur and pass such further other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice."

In view of the above, the prosecution in P.R.C. No.14 of 2011 is quashed against all the accused, including those who have not approached this Court and this Criminal Original Petition is allowed on condition that both Manoharan (A3/petitioner herein) and Nallakannu (de facto complainant/second respondent herein) shall pay a sum of Rs.5,000/- each, as costs, to the Tamil Nadu State Judicial Academy, Greenways Road, Chennai 600 028, within a period of two weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

cad

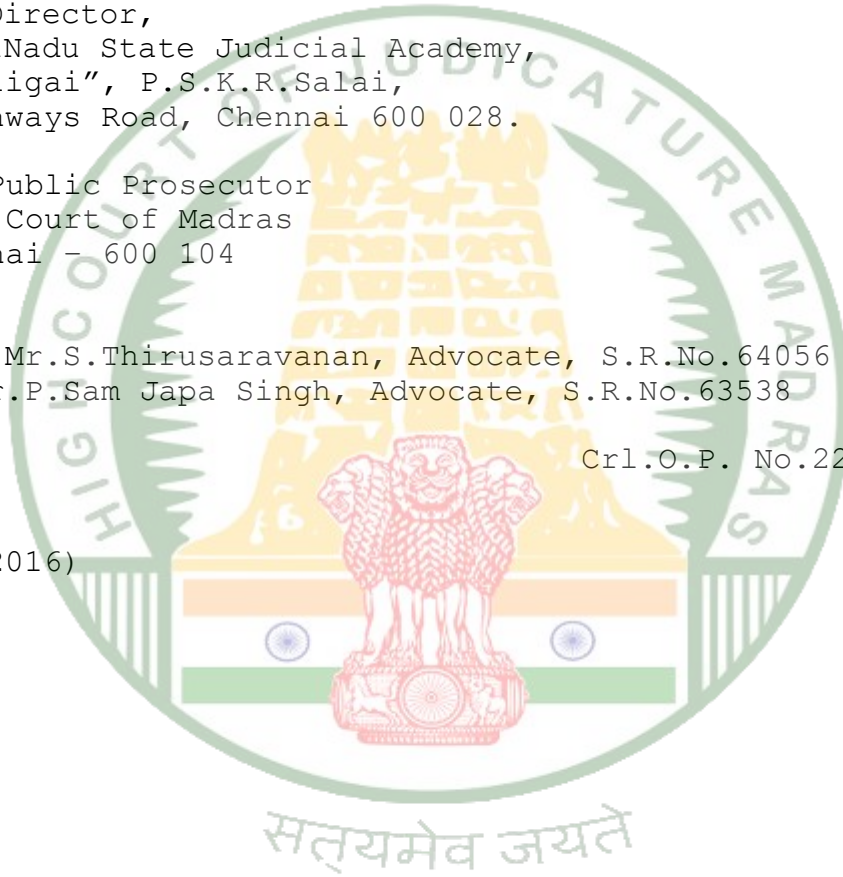
To

1. The Judicial Magistrate
Alandur
2. The Inspector of Police
J-8 Neelangarai Police Station
Chennai
3. The Director,
TamilNadu State Judicial Academy,
"Malligai", P.S.K.R.Salai,
Greenways Road, Chennai 600 028.
4. The Public Prosecutor
High Court of Madras
Chennai - 600 104

+2cc's to Mr.S.Thirusaravanan, Advocate, S.R.No.64056
+1cc to Mr.P.Sam Japa Singh, Advocate, S.R.No.63538

Cr1.O.P. No.22912 of 2016

GR(CO)
CA(07/12/2016)



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