

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.14920 of 2012
and M.P.No.1 of 2012

1.Samikannu
2.Durailingam
3.Thirugnanam
4.H.M.Halimulla

... Petitioners

Vs

1. The Station House Officer,
DCB,
Cuddalore Police Station.

2. R.Janakiraman

... Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. to call for records pertaining to FIR No.12 of 2012 on
the file of the first respondent and quash the same.

For Petitioners : Mr.N.Suresh

For respondents : Mr.C.Emalias,
Addl. Public Prosecutor for R.1
Mr.G.Pugazhenthii for R.2

ORDER

The present criminal original petition has been filed
to call for records pertaining to FIR No.12 of 2012 pending on
the file of the first respondent and quash the same.

2. On the basis of the complaint given by the second
respondent with the first respondent police, a case has been
registered in Crime No.12 of 2012 as against the petitioners for
the alleged offence punishable under Sections 406, 463, 665,
468, 471, 420, 506(i) and 120 I.P.C. To quash the said
complaint, the present criminal original petition has been filed.

3. Today, when the matter was taken up for
consideration, learned counsel appearing for the petitioners and
the learned counsel appearing for the second respondent / de
facto complainant represented that the dispute between the

parties was amicably settled. The second respondent / de facto complainant has also filed an affidavit to that effect. In the affidavit, the second respondent has stated that he has no objection to quash the first information report in Crime No.12 of 2012 pending on the file of the first respondent police, since the dispute between them is settled out of Court in respect of all issues.

4. However, learned Additional Public Prosecutor submitted that during the pendency of the present criminal original petition, charge sheet has been filed in Crime No.12 of 2012 before the concerned Court. However, it is yet to be taken on file.

5. Heard both sides and perused the materials available on record including the affidavit filed by the second respondent / de facto complainant.

6. Considering the facts and circumstances of the case and in view of the compromise arrived at between the parties, I am of the opinion that the first information report in Crime No.12 of 2012 pending on the file of the first respondent police is liable to be quashed and accordingly, quashed in respect of the petitioner. Further, since the FIR is quashed, consequently, the charge sheet filed before the concerned Court in Crime No.62 of 2015, which was not taken on file so far, is also quashed and the criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

sbi

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Court for Land Grabbing Cases,
Chidambaram.

2. The Station House Officer,
DCB, Cuddalore Police Station.

3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.G.Pugazhenthii, Advocate SR 4916

+ 1 cc to Mr.N.Suresh, Advocate SR 4449

lrs(co)

prk8/2

Cr1.O.P.No.14920 of 2015