

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.Nos.23404 & 23405 of 2016

1. Sekar ...Petitioner/Accused
in Crl.OP.23404 of 2016

1. Aditya Saraf
2. Kannan ...Petitioners/Accused in 1 & 2
in Crl.OP.23405 of 2016

Vs.

1. State by
Sub-Inspector of Police
E-2, Royapattah Police Station,
Chennai. ...1st Respondent/Complainant

2. Aditya Saraf ...2nd Respondent/Defacto Complainant
in Crl.OP.23404 of 2016

1. State by
Sub-Inspector of Police
E-2, Royapattah Police Station,
Chennai. ...1st Respondent/Complainant

2. Sekar ...2nd Respondent/Defacto Complainant
in Crl.OP.23405 of 2016

PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C to call for the records and to quash the proceedings in C.C.No.460 of 2016 and in C.C.No.461 of 2016 respectively on the file of the Learned XVIII Metropolitan Magistrate Court, Saidapet, Chennai against the petitioners.

For Petitioner : Mr.K.R.Rameshkumar
in Crl.OP.No.23404 of 2016
Mr.R.Raghuraj
in Crl.OP.No.23405 of 2016

For R1 : Mr.C. Emalias
Additiona Public Prosecutor
in Crl.OPs.23404 & 23405 of 2016

C O M M O N O R D E R

These criminal original petitions have been filed to call for the records and to quash the proceedings in C.C.No.460 of 2016 and in C.C.No.461 of 2016 respectively on the file of the XVIII Metropolitan Magistrate Court, Saidapet, Chennai against the petitioners.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the 1st respondent police.

3. On the complaint given by Aditya Saraf, the first respondent police registered a case in Crime No.1920 of 2015 and after completing the investigation, filed a final report in C.C.No.460 of 2016 before the Metropolitan Magistrate No.XVIII, Saidapet under Sections 294(b) and 324 of IPC against Sekar.

4. Similarly, on the complaint given by Sekar, the first respondent police registered a case in Crime No.1921 of 2015 and after completing the investigation, filed a final report in C.C.No.461 of 2016 before the Metropolitan Magistrate No.XVIII, Saidapet under Section 294(b) and 326 r/w 34, IPC against Aditya Saraf.

5. Now, both the parties are before this Court for quashing the final reports on the ground that they have arrived at a compromise.

6. Sekar and Aditya Saraf are present today and they are identified by Mr.A.Jayanthan, Head Constable, E2, Royapettah Police Station, who is also present before this Court today.

7. Aditya Saraf, the de-facto complainant in C.C.No.460 of 2016 has filed an affidavit dated 17.10.2016, wherein in para 6, he has stated as follows :-

"I state that since my company and the petitioner's company both of us are involved in business transactions, considering the future business relationship / friendship, I am willing to withdraw the complaint and do not want to precipitate the issue and to settle the issue amicably."

8. Sekar, the de-facto complainant in C.C.No.461 of 2016 has filed an affidavit dated 17.10.2016, wherein, in para 6, he has stated as follows:-

"I state that since my company and the 1st

petitioner both of them are involved in business transaction, considering the future business relationship, I am willing to withdraw the complaint and do not want to precipitate the issue and to settle the issue amicably."

9. Since the parties have arrived at a compromise as stated above these petitions are allowed and the prosecution in C.C.No.460 of 2016 and C.C.No.461 of 2016 are hereby quashed.

10. The petitioner in CrI.OP.No.23404 of 2016 shall pay costs of Rs.5,000/- to the Tamil Nadu State Judicial Academy, Chennai within a period of two weeks from the date of receipt of a copy of this order. Similarly, the petitioners in CrI.OP.No.23405 of 2016 shall pay each Rs.5,000/- (Total Rs.10,000/-) as costs to the Tamil Nadu State Judicial Academy, Chennai within a period of two weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Metropolitan Magistrate No.XVIII,
Saidapet.
2. The Sub-Inspector of Police
E-2, Royapattah Police Station,
Chennai.
3. The Director,
Tamil Nadu State Judicial Academy
Greenways Road, Chennai-600 028.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.R.Rameshkumar, Advocate, S.R.No.60286

CrI.O.P.Nos.23404 & 23405 of 2016

CNR(CO)
CA(23/11/2016)