

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.6755 of 2016

S.Jayashree

.. Petitioner/Defacto
Complainant

Vs.

State by:

Inspector of Police
Chennai Central Railway Police Station,
Chennai.

(Crime No.374 of 2007)

.. Respondent/
Complainant

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records and set aside the order passed by the learned XVI Metropolitan Magistrate, George Town, Chennai in CCRP Crime No.374 of 2007 dated 12.04.2014.

For Petitioner : Mr.N.R.Elango
Senior Counsel
for Mr.K.R.Ramesh Kumar

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition to call for the records and set aside the order passed by the learned XVI Metropolitan Magistrate, George Town, Chennai in CCRP Crime No.374 of 2007 dated 12.04.2014.

2.Heard the learned senior counsel Mr.N.R.Elango appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3.Today (11.04.2016), the Member Secretary, Tamil Nadu Legal Services Authority, High Court, Chennai is present before this Court and has fairly conceded that FIR has been registered not only for the offences punishable under Sections 342, 297, 506

(ii) of IPC but also under Sections 3 r/w 25 of Indian Arms Act. It is pertinent to note that the maximum punishment for offence under Section 506(ii) IPC is upto seven years and for Section 3 r/w Section 25 of Indian Arms Act, maximum punishment shall not be less than three years upto seven years. So, there is no limitation under Section 468 Cr.p.C. and the settlement arrived at in the Mega Lok Adalat held on 12.04.2014 is unsustainable.

4.Considering the above, even though the proceedings in Crime No.374 of 2007 was closed by invoking Section 482 Cr.P.C. in the Mega Lok Adalat held on 12.04.2014, the aforesaid order passed on 12.04.2014 is hereby set aside. The respondent police is directed to file a final report within a period of one month from the date of receipt of a copy of this order.

5.The Member Secretary, Tamil Nadu Legal Services Authority, High Court, Chennai is directed to communicate a memorandum to the Officers, who are all presiding over the Lok Adalat to the effect that "closing the FIR under Section 468 Cr.P.C. shall not come under the purview of settlement arrived at before the Lok Adalat", after obtaining necessary orders from The Chairman, Tamil Nadu Legal Services Authority, High Court, Chennai.

6.In the result, the Criminal Original Petition is disposed of.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1.Inspector of Police
Chennai Central Railway Police Station,
Chennai.

2.The XVI Metropolitan Magistrate,
George Town, Chennai

3.The Public Prosecutor,
High Court, Madras.

4.The Chief Metropolitan Magistrate
Egmore Chennai

5.The Member Secretary Tamil Nadu
Legal Services Authority
High Court Chennai

+2 ccs to Mr.K.R.Ramesh Kumar Advocate sr.22558

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