IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.8278 of 2016
And
Crl.M.P.Nos.4314 and 4315 of 2016

1.Karthik
2.Velmurugan ... Petitioners/Accused 1 & 2

Vs.

1. State Represented by
Sub Inspector of Police,
E-5, Pattinampakkam Police Station,
Chennai - 600 028
[Crime No.781 of 2015] ... Respondents/Complainant

2.Mr.Jithendra ... Respondent/Defacto Complainant.

Prayer :
Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in C.C.No.5059 of 2015 on the file of the Hon'ble XXIII Metropolitan Magistrate Court, Saidapet, Chennai, quash the same.

For Petitioners : Mr.B.R.Shankaralingam
For Respondents : Mr.C.Emalias for R1
Additional Public Prosecutor

ORDER

The petitioners have come forward with this petition seeking to call for the records in C.C.No.5059 of 2015 on the file of the learned XXIII Metropolitan Magistrate Court, Saidapet, Chennai for the offence punishable under Sections 341, 323, 324 and 506(ii) of I.P.C. even though the F.I.R. has been registered for the offence punishable under Sections 147, 448, 323, 324 and 506(ii) of I.P.C. and to quash the same.

2.Heard the submissions made by the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor.

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3.At the time of admission, the learned counsel appearing for the petitioners would submit that there is a dispute between the landlord and tenant and eviction has been ordered. At the time of taking delivery, the alleged occurrence is said to be taken place. Against the eviction, the tenant preferred C.R.P.No.1961 of 2015 in that compromise has been entered. The matter was compromised. Hence, the petitioners want to quash the same, but the second respondent has not appeared. The learned counsel would further state that the second respondent has not co-operated for quashing the proceeding. Hence, he prayed for earlier disposal of the case in C.C.No.5059 of 2015 instead of quashing the proceeding.

4.Recording the submissions made by the learned counsel appearing for the petitioners, this Court directs the learned XXIII Metropolitan Magistrate Court, Saidapet, Chennai to dispose of the case in C.C.No.5059 of 2015 pending on his within a period of three months from the date of receipt of a copy of this order.

5.The Criminal Original Petition is disposed of with the above direction. Consequently, the connected miscellaneous petitions are also closed.
pri

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Sub Inspector of Police,
   E-5, Pattinampakkam Police Station,
   Chennai - 600 028
   [Crime No.781 of 2015]

2. The Public Prosecutor
   High Court, Madras.

+ 1 cc to Mr.B.R.Shankaralingam, Advocate SR 24695

gj(co)
prk26/4

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