

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.866 of 2016
and Crl.M.P.No.412 of 2016

B.Nanthakumar

... Petitioner

Vs

1. The State represented by:
The Inspector of Police,
Molasi Police Station,
Namakkal District.

2. R.Palaniappan

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for records relating to the Crime No.62 of 2015 on the file of the Inspector of Police, Molasi Police Station, Namakkal District and to quash the same.

For Petitioner	:	Mr.S.Prabakaran, for Mr.K.J.Saravanan
For respondents	:	Mr.C.Emalias, Addl. Public Prosecutor, for R.1 Mr.C.Prakasam, for R.2

ORDER

The present criminal original petition has been filed to call for records relating to the case in Crime No.62 of 2015 pending on the file of the first respondent police and quash the same.

2. The petitioner is the son in law of the second respondent. The second respondent has lodged a complaint with the first respondent police as against the petitioner stating that the petitioner assaulted him with iron chair. Based on the said complaint, a case has been registered in Crime No.62 of 2015 for the alleged offence punishable under Sections 294(b), 323, 324 and 506(ii) 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 petitioner 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 a supporting affidavit stating that he has no objection to quash the first information report in Crime No.62 of 2015 pending on the file of the first respondent police, for the welfare of his daughter and his grand son.

4. Learned Additional Public Prosecutor submitted that during the pendency of the present criminal original petition, charge sheet has been filed in Crime No.62 of 2015 before the learned Judicial Magistrate, Thiruchengode, Namakkal District. However, it is yet to be taken on file.

5. Heard both sides and perused the materials available on record including the supporting 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.62 of 2015 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 learned Judicial Magistrate, Thiruchengode, Namakkal District, 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-IV)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police, Molasi Police Station,
Namakkal District.

2. The Public Prosecutor, High Court, Madras.

+ 2 ccs to Mr.K.J.Saravanan, Advocate SR 3274

+ 1 cc to Mr.C.Prakasam, Advocate SR 3548

ksj(co)

prk27/1

Cr1.O.P.No.866 of 2016