

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.3328 of 2017

S.Mariyappan ... Petitioner/Accused

Vs

1.State by,
Inspector of Police,
Annamalai Nagar Police Station,
Chidambaram,
Crime No.339 of 2014

2.C.Rajiv Gandhi ... Respondents/Complainant
Defacto Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.
to call for the records related to the case in Crime No.339 of
2014, on the file of the respondent police and quash the same as
against the petitioner/accused.

For Petitioner : Mr.R.Thamaraiselvan

For respondents : Mr.C.Emalias,
Addl. Public Prosecutor for R1
Mr.K.M.Subramaniam for R2

ORDER

The present criminal original petition has been filed to
call for the records related to the case in Crime No.339 of 2014,
on the file of the respondent police and quash the same as
against the petitioner/accused.

2. Today, when the matter was taken up for consideration,
the petitioner and the second respondent appeared before this
Court and their identities were got verified. The 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 and the second respondent has also filed an affidavit to that effect, which reads as follows:-

" 1. I am the second respondent / de facto complainant in the above Crl.O.P herein as such am well acquainted with the facts and circumstances of the case.

2. I submit that I have given complaint against the petitioner before the first respondent police and the case case has been registered against the petitioner on the allegation that he had committed an offence U/s.307, 120(b) IPC and thereby the case is pending investigation before the respondent police.

3. I submit that the gist of the complaint which I have given before the first respondent police is that I and the petitioner were close relatives and I have married the petitioner daughter Meena Devi on 23.1.2013 and there after the marriage, I and the petitioner daughter set up our matrimonial home in the petitioner house and thereafter some days dispute arose between me and the petitioner daughter in the marriage life and we were separated, in continuation with the dispute the petitioner has arranged henchman's to murder me and the attempts made by them were missed and this was came to know me through one Nagaraj the family friend of us and knowing the same I have given complaint before the respondent police and based on the complaint the present FIR has been registered.

4. I submit that the petitioner is working as Sub Inspector of Police, Thittakkudi and I also working as head constable in police, now I and the petitioner has settled the issue amicably as per the advise of the elders and family members in continuation with that, the petitioner has executed a compromise deed with me and my family members on 9.2.2017. I submit that now based on the compromise deed, the petitioner has filed quash petition before this Hon'ble Court in Crl.O.P.No.3328 of 2017 to quash the FIR in Crime No.339 of 2014 on the file of the respondent police. I submit that I have no objection to quash the FIR against the petitioner in Crime No.339 of 2014 on the file of the first respondent police."

Thus, the learned counsel for the respective parties pleaded that recording the averments made in the affidavit filed by the second respondent, the proceedings pending in Crime No.339 of 2014 may be quashed.

3.In view of the same, recording the averments made in the affidavit filed by the second respondent, the proceedings in Crime No.339 of 2014 pending on the file of the first respondent police as against the petitioner are quashed and the criminal original petition is allowed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi

To

1.The Inspector of Police,
Annamalai Nagar Police Station,
Chidambaram.

2.The Public Prosecutor,
High Court, Madras.

+2 CC to Mr.R.Thamaraiselvan, Advocate Sr.No.10641

सत्यमेव जयते

Cr1.O.P.No.3328 of 2017

SS (CO)
KP (01.03.2017)

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