

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2017

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THE HONOURABLE MR. **JUSTICE V.BHARATHIDASAN**

Crl.O.P.No.3413 of 2017

G.Muralidaran

... Petitioner

Vs

1.The State, rep. By
The Inspector of Police,
Nemili Police Station,
Vellore District.

2.Manjula

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in Crime No.368 of 2016 on the file of the first respondent and quash the same.

For Petitioner : Mr.S.Senthil Murugan

For Respondents : Mr.C.Emalias
Addl. Public Prosecutor for R-1

Mr.S.Deivasigamani for R-2

ORDER

This petition has been filed to quash the FIR in Crime No.368 of 2016 on the file of the first respondent.

2. The petitioner is the sole accused in Crime No.368 of 2016 for the offence under Section 324 IPC. The defacto complainant/2nd respondent has given complaint on the ground that her son was studying X standard in Government Boys Higher Secondary School, Panappakkam where the accused was working as B.T. Assistant. On 02.12.2016, there was a quarrel between the student during which the accused beaten her son and caused injuries. Hence, she filed a complaint before the respondent police.

3. Heard the learned counsel appearing for the petitioner, learned Additional Public Prosecutor for State, learned counsel appearing for the second respondent and perused the materials available on record.

4. Today both the accused and defacto complainant are present before this Court and the defacto complaint filed an affidavit stating that after filing of the complaint, she came to know that there was a quarrel between the student and one of the student alone attacked her son. Therefore, according to the defacto complainant, the accused has nothing to do with the occurrence and without knowing the real fact, she has given complaint. In the above circumstances, she is not willing to proceed with the criminal case.

5. Taking into consideration the fact that the defacto

complainant herself wanted to withdraw the complaint and even if the case is permitted to continue there is no chance for conviction. Now the parties wanted to withdraw the case on the ground that the complaint was given without knowing the real fact, the present complaint has to be quashed.

6. In the result, the criminal original Petition is allowed. The proceedings in Crime No.368 of 2016 pending on the file of the first respondent is quashed.

27.02.2017

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To

- 1.The Inspector of Police,
Nemili Police Station,
Vellore District.
- 2.The Public Prosecutor,
High Court, Madras-104.

V.BHARATHIDASAN.J

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