

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Cr1.O.P.No.8536 of 2017

- 1.Magesh @ Magesh Babu Akula
- 2.Veera
- 3.Praveen @ Praveen Kumar
- 4.Shock @ Rajan
- 5.Veeramanikandan
- 6.Gopi
- 7.Vinoth Kumar

... Petitioners/Accused

Vs

1. State rep. by
the Inspector of Police,
H-8, Thiruvottiyur Police Station,
Thiruvottiyur,
Chennai - 600 019.

2. Selvaraj @ Saravanan

... Respondents/R2-Defacto
Complainant

Petitions filed under Section 482 of the Criminal Procedure Code, to call for the records in Crime No.1210 of 2015 on the file of the respondent police pending before the Hon'ble Judicial Magistrate, Thiruvotriyur, Chennai and to quash the proceedings.

For Petitioners : Mr.M.Krishnamurthi
For R1 : Mr.C.Emalias, APP
For R2 : Present in person

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the FIR in Crime No.1210 of 2015 on the file of the first respondent police and quash the same.

2. The facts of the case as averred in the petition are that both the petitioners / accused and the second respondent / defacto complainant are the students of two different Colleges and they belong to same area of North Chennai. Due to difference of opinion arose between them, on 08.09.2015 at about 7.30am, they attacked each other with knife, in which, the second respondent sustained injury. Pursuant to the same, a complaint was preferred to the first respondent police and the same was registered against the petitioners as FIR in Crime No.1210 of 2015 for the offences punishable under Sections 341, 294(b), 324, 307 and 506(ii) IPC, which were subsequently altered into one under Sections 147, 148, 341, 294(b), 324, 307 and 506(ii) r/w 109 IPC. Pending investigation of the same, due to the efforts taken by the elders and the friends of both the parties, a compromise was entered into between the parties. Based on the same, the petitioners have come up with the present petition to quash the same.

3. Today, all the petitioners along with their learned counsel on record and the second respondent / defacto complainant are present. Their identities have been verified. They have submitted that the dispute between them has been amicably settled. They have also filed a Joint compromise affidavit signed by them, dated 27.04.2017 to that effect. When this Court enquired the parties, particularly, the second respondent / defacto complainant, about the factum of compromise and the terms of the compromise, they admitted the same. The second respondent has also expressed no objection in quashing the criminal proceedings initiated against the petitioners herein.

4. This Court is of the opinion that since the petitioners and the second respondent are the college students, their involvement in such criminal activities, cannot be countenanced. They are expected to concentrate their attention on studies and complete their respective courses successfully. However, in view of the compromise entered into between the parties as stated above, the criminal proceedings in Crime No.1210 of 2015 on the file of the first respondent police, is quashed, insofar as the petitioners herein are concerned, on condition that each of the petitioners shall file individual affidavits countersigned by their parents, addressed to the College authorities with a copy marked to the police authorities, to the effect that they will not indulge in any such illegal activities in future. Failing compliance of the above condition, the FIR in Crime No.1210 of 2015 shall stand restored against them. Such affidavits have to be submitted within a period of two weeks from the date of receipt of a copy of this order.

5. This Criminal Original Petition is ordered accordingly.
The joint compromise affidavit dated 27.04.2017 signed by the parties is taken on record.

joint compromise affidavit xerox copy enclosed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

rk

To

1. The Judicial Magistrate,
Thiruvottiyur.
2. The Inspector of Police,
H-8, Thiruvottiyur Police Station,
Thiruvottiyur,
Chennai - 600 019.
3. The Public Prosecutor, High Court,
Madras - 104.

+9ccs to M/S.J.B. Solaman Peter Kamaldoss, Advocate Sr. 25561

+1cc to Mr.L.Sathya Kumar, Advocate Sr. 25562

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SAI (CO)
VR(26/5/2017)

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