

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.3558 of 2017

1.Premkumar
2.Gopi
3.Raja

... Petitioners

Vs

1.The Inspector of Police,
K-10,Koyambed Police Station,
Koyambed, Chennai- 600 107.

2.Murali

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in C.C.No.2668 of 2015 pending on the file of the learned V Metropolitan Magistrate Court, Egmore, Allikulam, Chennai and to quash the same.

For Petitioners : Mr.T.Balachandran

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

ORDER

This petition has been filed to quash the criminal proceedings in C.C.No.2668 of 2015 pending on the file of the learned V Metropolitan Magistrate Court, Egmore, Allikulam, Chennai. The petitioners are accused 1 to 3 in the above said criminal case.

2. The case of the prosecution is that on 17.08.2014, there was a temple festival during which the accused were celebrating the Adi Festival. The 3rd petitioner belongs to a Christian community. The defacto complainant belongs to Hindu Community and celebrating Festival in the temple. At that time, the accused came and abused the defacto complainant in a filthy language and criminally intimidated him. Hence, he has given a complaint before the respondent police. Based on the complaint, a case has been registered in Crime No.1236 of 2014 of the offence under Sections 341, 294(b) and 506(i) IPC. Then, after investigation, final report was filed and the matter was also taken on file in C.C.No.2668 of 2015 on the file of V Metropolitan Magistrate, Allikulam, Chennai. Challenging the said criminal proceedings, the present petition is filed to quash the same.

3. Now, pending trial, it is stated that the parties have settled the dispute amicably between themselves and the defacto complainant also filed an affidavit to that effect stating that the matter is amicably settled between themselves and they are not interested to continue the criminal proceedings. Hence, he sought for quashing the criminal proceedings.

4. The learned Additional Public Prosecutor appearing for the state would submit that already the witnesses were examined, questioning under Section 313 Cr.P.C was also over and the matter was posted for arguments. At this stage, the present petition has been filed.

5. I have considered the rival submissions.

6. Since all the offences are compoundable offence, now the parties have settled the issue amicably between themselves, both the accused and defacto complainant residing in the same area, taking in to consideration the fact that since already the matter is settled between themselves and also living peacefully, in the interest of justice, the criminal proceedings are liable to be quashed.

7. In the result, the criminal original Petition is allowed and the criminal proceedings in C.C.No.2668 of 2015 pending on the file of the learned V Metropolitan Magistrate Court, Egmore, Allikulam, Chennai is quashed.

rrg

27.02.2017

V.BHARATHIDASAN.

J

rrg

To

- 1.The V Metropolitan Magistrate Court,
Egmore, Allikulam, Chennai
- 2.The Inspector of Police,
K-10,Koyambed Police Station,
Koyambed, Chennai- 600 107.
- 3.The Public Prosecutor
High Court, Madras-104.

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