

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. No.6243 of 2018
and Crl.M.P.Nos.3154 and 3155 of 2018

1.Sivalingam
2.P.Rathinam ... Petitioners/Accused 1 & 2

vs.

1.The State rep. by
The Inspector of Police
District Crime Branch
Salem.

2.G.Vincent Stalin ... Respondents/Complainant/
Defacto Complainant

Criminal Original Petition filed under Section 482, Cr.P.C.
to call for the records in C.C.No.88 of 2014 on the file of the
Judicial Magistrate No.I, Sankagiri, Salem District and quash
the same as against the petitioner.

For petitioners Mr.B.Kumar
Senior Counsel
for Mr.R.Anbukarasu

For R1 Mrs.Kritika Kamal, P.
Government Advocate [Crl.Side]

ORDER

This Criminal Original Petition has been filed to call for
the records in C.C.No.88 of 2014 on the file of the Judicial
Magistrate No.I, Sankagiri, Salem District and quash the same as
against the petitioners.

2. On the complaint lodged by Vincent Stalin (the second respondent/de facto complainant), the first respondent registered a case in Cr.No.1 of 2014 on 06.01.2014 and after completing the investigation, has filed a charge sheet in C.C.No.88 of 2014 before the Judicial Magistrate No.I, Sankagiri for the offences under Sections 341, 294(b), 506(i), 354, 465 and 420 IPC against Sivalingam and Rathinam, for quashing which, this petition has been filed on the ground that the parties have arrived at a compromise.

3. Heard Mr.B.Kumar, learned Senior Counsel representing Mr.R.Anbukarasu, learned counsel on record for the accused and Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) for the State.

4. Today, Sivalingam [A1], Rathinam [A2] and Vincent Stalin, the de facto complainant are present. The parties are identified by their respective counsel.

5. Vincent Stalin has filed an affidavit dated 28.06.2018, wherein, it is stated as follows:

"5. I humbly submit that the difference of opinion and misunderstanding between myself and the petitioners herein has been sorted out by way of reconciliation of talks by the intervention of the common friends and well wishers of both the petitioners and this Defacto Complainant. Since the pendency of the above C.C.No.88 of 2014 on the file of the Judicial Magistrate No.I, Sankagiri would create much more animosity and embarrassment to both these petitioners as well as this Defacto Complainant, it was unanimously decided so as to not to proceed any further in the above C.C.No.88 of 2014."

6. It is seen that on the complaint given by Rathinam, a case in Cr.No.7 of 2017 was registered on 05.05.2017 and after completing the investigation, the police have filed a charge sheet in C.C.No.1 of 2018 before the Judicial Magistrate No.I, Sankagiri against Vincent Stalin and others, challenging which, Crl.O.P.No.7146 of 2018 was filed on the ground that the parties have arrived at a compromise and this Court, by a separate order passed today (i.e.28.06.2018), quashed the said proceedings.

In view of the above, this petition is allowed and the proceedings in C.C.No.88 of 2014 on the file of the Judicial Magistrate No.I, Sankagiri, is quashed, on condition that the

petitioners pay a sum of Rs.5,000/- each (Total Rs.10,000/-) to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry), within a period of two weeks from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gms

To

- 1.The Inspector of Police
District Crime Branch,Salem.
- 2.The Judicial Magistrate No.I, Sankagiri,
Salem District .
- 3.The Public Prosecutor
High Court, Chennai.
- 4.The Section Officer,
Accounts Section,
High Court, Madras
- 5.The Section Officer,
Criminal Section,
High Court, Chennai 104.

+2cc to Mr.S.Senthil Advocate Sr.No.41740

SR(CO)
sm:12.7.2018

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CrI.O.P. No.6243 of 2018
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