

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2018

CORAM:

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

Crl.O.P. No. 26913 of 2016 & Crl.M.P. No.13538 of 2016

Pushkin Rajkumar

Petitioner

vs.

1 State represented by
the Inspector of Police
J-13, Taramani Police Station
Chennai 600 113

2 M. Rohit Murali

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to call for the records pertaining to the FIR in Cr. No.346 of 2016 pending on the file of the first respondent police and to quash the same.

For petitioner Mr. C. Mohana Krishnan

For R1 Mrs. M. Prabhavathi, Addl.
Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to call for the records pertaining to the FIR in Cr. No.346 of 2016 pending on the file of the first respondent police and to quash the same.

2 On the complaint lodged by Rohit Murali, the second respondent herein, the first respondent police registered a case in Cr. No.346 of 2016 on 15.03.2016 under Sections 147 and 323 IPC against Abinash and four others, seeking quashment of which, this Criminal Original Petition has been filed on the ground that the parties have arrived at a compromise.

3 Today, Mr. S. Elamvazhudhi, Sub Inspector, J-13, Taramani Police Station is present before this Court.

4 On instructions, the learned Additional Public Prosecutor submitted that the investigation in Cr. No.346 of 2016 has been completed and charge sheet has been filed in C.C. No.2412 of 2018 before the XVIII Metropolitan Magistrate,

Saidapet, Chennai, for the offences under Sections 147 and 323 IPC against five accused and that summons have been issued to the accused for their presence.

5 Under normal circumstances, this Court would have directed the petitioner to file an application to quash the final report. However, in this case, the final report has been filed only for the offences under Sections 147 and 323 IPC. That apart, the de facto complainant and the accused were studying in the Law College, during which period, the incident in question is said to have occurred.

6 Today, Rohit Murali, the de facto complainant, has filed an affidavit stating that the matter has been settled and that he has no objection in the proceedings against the accused being quashed. The relevant portion of the affidavit filed by the de facto complainant reads as under:

"2 I submit that I had given a complaint before the 1st respondent police against the petitioner and 4 others and based on my complaint, an FIR was registered in Cr. No.346 of 2016 against the said persons under Section 147, 323 IPC.

3 I submit that later, the 1st respondent police completed the investigation and final report has been filed before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai and the same is pending before the said Court in C.C. No.2412 of 2018 in summons stage.

4 I submit that I have given consent to quash the proceedings in the above said C.C. No.2412 of 2018 in Cr. No.346 of 2016. I am filing this affidavit out of free will, consent violation and there is no threat, coercion, undue influence or duress.

In the circumstances, it is humbly prayed that this Hon'ble Court may be pleased to record my affidavit and dispose the Crl.O.P. No.26913 of 2016 by quashing the C.C. No.2412/2018 in Cr. No.346/2016 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice."

In view of the above, the proceedings as against all the accused in C.C. No.2412 of 2018 in Cr. No.346 of 2016 is hereby quashed and as a sequel, this Criminal Original petition stands allowed, on condition that Abinash, Gajendran,

Pushkin Rajkumar, Pavithrion and Arjun, who are the accused in C.C. No.2412 of 2018 in Cr. No.346 of 2016, shall render community service at the Sub Jail, Saidapet, Chennai - 15, for a period of five days commencing from 29.10.2018 to 02.11.2018 from 10 a.m. to 1.30 p.m., under the directions of PRISM, a non Government organisation. Connected CrI.M.P. is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

cad
To

- 1 The Inspector of Police
J-13, Taramani Police Station
Chennai 600 113
- 2 The XVIII Metropolitan Magistrate
Saidapet
Chennai 600 015
- 3 The Superintendent
Sub Jail
Saidapet
Chennai 600 015
- 4 Prisoners' Reformation Integration Support Mission
323, II Floor
Linghi Chetty Street
Chennai - 600 001
- 5 The Public Prosecutor
High Court of Madras
Chennai 600 104

+1cc to Mr.G.Mohanakrishnan, Advocate Sr.No.69360
+2cc to M/s.G.Mohanakrishnan, Advocate sR.No.69609

NMI (CO)
sm:25.10.2018

CrI.O.P. No. 26913 of 2016