

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2018

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Cr1.O.P.No.21391 of 2018

1 Asmath @ Syed Samath
2 G.M.Rafee
3 Zackriya Banu
4 Syed Suyal Petitioners/Accused

Vs

1 State rep. by
The Inspector of Police
S-11, Tambaram Police Station
Chennai 600 045. 1st Respondent/Complainant
2. Sivananda Thevar (died) 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the proceedings in C.C.No.194 of 2010 on the file of learned Judicial Magistrate, Tambaram and quash the same as against the petitioners concerned.

For Petitioners : Mr.Babu Muthumeeran
for Mr.J.Subbiah

For R1 : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records relating to the proceedings in C.C.No.194 of 2010 on the file of learned Judicial Magistrate, Tambaram and quash the same as against the petitioners concerned.

2. On the complaint lodged by Sivananda Thevar, the first respondent police registered a case in Cr.No.587 of 2009 and after completing the investigation, filed a charge sheet in C.C.No.194 of 2010 before the Judicial Magistrate, Tambaram under Sections 448, 453 and 506(i) IPC r/w 34 IPC against five accused. This petition has been filed to quash the prosecution

on the ground that the parties have arrived at a settlement.

3. Today, learned counsel for the petitioners/accused submitted that both Sivananda Thevar (de facto complainant) and Mani Thevar [A1], who is the own brother of the former have died and after their death, their children have decided to peacefully resolve the dispute.

4. Today, Rafee and Sakthivel, S/o Sivananda Thevar (de facto complainant) are present and they are identified by Mr.C.Lakshmanan, Sub-Inspector of Police, S-11 Tambaram Police Station.

5. Sakthivel has filed an affidavit dated 25.10.2018, wherein, he has stated as follows:

"5. I humbly submit that after the death of my father I had been examined as P.W.1 in the above said C.C.No.194 of 2010. While so at the intervention of the elders and well wishers, efforts were taken to settle the disputes amicably between me and the petitioners herein and have arrived at settlement in terms of final compromise by way of memorandum of understanding and the same was reduced into writing on 18.08.2018. In view of the said undertakings and memorandum of understanding, I , have no objection, in allowing the above quash petition filed by the petitioners herein."

4. In view of the above, this petition is allowed and the proceedings in C.C.No.194 of 2010 on the file of the Judicial Magistrate, Tambaram is hereby quashed on condition that the petitioners shall pay a sum of Rs.1,000/- (Rupees one thousand only) each (total Rs.4,000/-) as costs 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.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gms

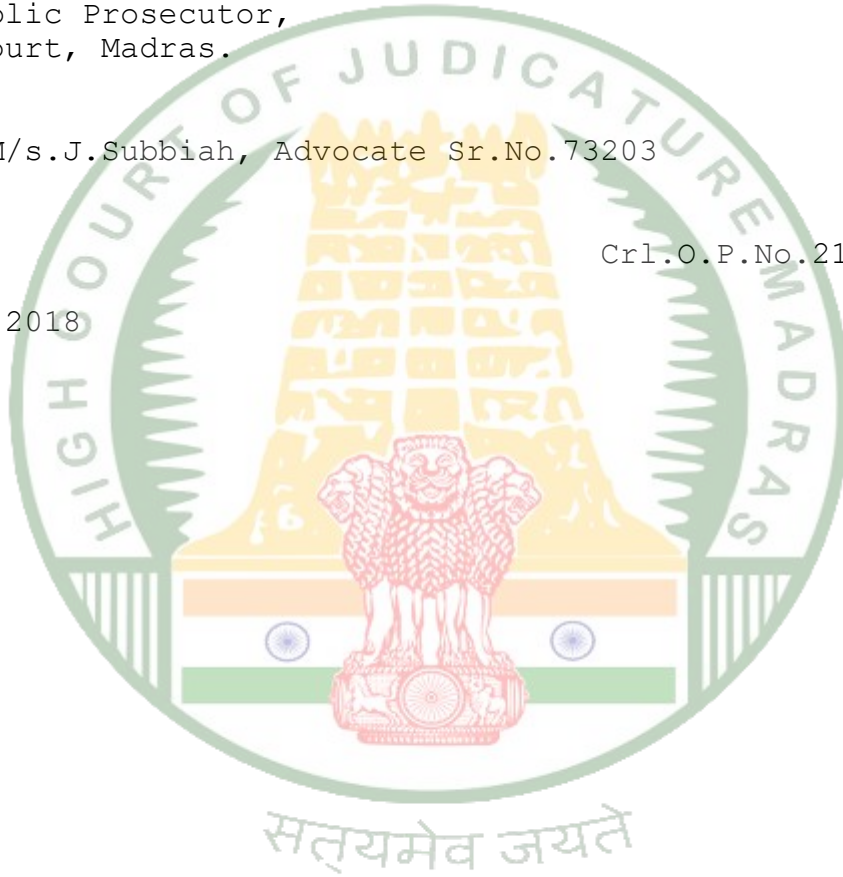
To

1. The Inspector of Police,
S-11, Tambaram Police Station,
Chennai 600 045.
2. The Judicial Magistrate, Tambaram, Chennai-45.
3. The Section Officer, Accounts Section,
High Court, Madras.
4. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.J.Subbiah, Advocate Sr.No.73203

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CSL/20.11.2018



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