

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.11482 of 2018

&

Crl.M.P.No. 5968 of 2018

1. B.S. Sathish Kumar
 2. T. Ravi
- ... Petitioners

Vs

1. State rep. by
The Sub Inspector of Police
S-4 Nandambakkam Police Station
St. Thomas Mount
Chennai District.
 2. G.E. Krishnamoorthi
- ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records in FIR in Crime No. 67 of 2018 on the file of the 1st respondent police and quash the same.

For Petitioners : Mr. M. Vijayakumar
For Respondents : Mrs. P. Kritika Kamal
Govt. Advocate (Crl. Side) for R1

ORDER

The relief sought for in this petition is to quash the FIR in Crime No. 67 of 2018 on the file of the 1st respondent police.

2. On the complaint lodged by Krishnamoorthi of Manapakkam Municipality, the respondent police has registered a case in Cr. No. 67 of 2018 on 21.03.2018 for offences under Section 143, 147, 294(b), 353 and 506(i) of IPC against the petitioners herein, for quashing which the petitioners are before this Court, on the ground that Krishnamoorthi has agreed to withdraw the complaint.

3. Heard Mr. M. Vijayakumar, learned counsel for the

petitioners and the learned Government Advocate (Crl.Side).

4. It is seen that Krishnamoorthi has given a letter dated 23.03.2018 agreeing to withdraw the complaint. But, however, this Court cannot act upon the statement of Krishnamoorthi since an offence under Section 353 of IPC has been registered. The allegation in the FIR is that the accused have entered the Government office and threatened the Government servant working therein.

5. In such view of the matter, on the mere withdrawal letter given by the defacto complainant Krishnamoorthi, the FIR cannot be quashed. However, the respondent police is directed to complete the investigation in Crime No.67/2018, within a period of three months from the date of receipt of a copy of this order and file a closure report or a final report, as the case may be. Since the offences are bailable, the petitioners need not be harassed.

6. The Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True copy//

Sub Assistant Registrar

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To

1. The Sub Inspector of Police
S-5 Nandambakkam Police Station
St. Thomas Mount
Chennai District.

2. The Public Prosecutor,
Madras High Court, Chennai.

+1cc to Mr.M.Vijaya Kumar, Advocate SR.No.28567

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NRL (CO)
GN(27/04/2018)