

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2018

CORAM:

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

Crl.O.P. Nos.12655 to 12661 of 2018
and
Crl.M.P. Nos.6814 to 6827 of 2018

1 N. Senthilkumar

2 Jayashree ... Petitioners/Accused
1 & 2 in all the Crl.O.Ps.

vs.

1 State of Tamil Nadu
represented by the Inspector of Police
District Crime Branch
Tiruppur
(Cr. No.5 of 2008) R1/complainant in add CRL.OP.s

2 Selvaraj ... Respondent 2/Defacto Complainant
in all the Crl.O.Ps.

Criminal Original Petitions filed under Section 482 Cr.P.C.
seeking to call for the records pertaining to the proceedings in
C.C. Nos.97 to 103 of 2010 respectively on the file of the
Judicial Magistrate No.I, Tiruppur and quash the same.

For petitioners Mr. K.S. Karthik Raja
in all the Crl.O.Ps.

For R1

in all the Crl.O.Ps. Mr. C. Raghavan
Govt. Advocate (Crl. Side)

For R2

in all the Crl. O.Ps. Mr. P. Valliappan

COMMON ORDER

These Criminal Original Petitions have been preferred
seeking to call for the records pertaining to the proceedings in
C.C. Nos.97 to 103 of 2010 respectively on the file of the
Judicial Magistrate No.I, Tiruppur and quash the same.

2 On the complaint lodged by Selvaraj, the second respondent herein, the Inspector of Police, District Crime Branch, Tiruppur, registered a case in Cr. No.5 of 2008 and after completing the investigation, has filed seven final reports in C.C. Nos.97 to 103 of 2010 against N. Senthilkumar (A.1) and Jayashree (A.2) for the offences under Sections 408 and 409 IPC before the Judicial Magistrate No.1, Tiruppur. While so, it appears that there were several civil litigations between the parties, during the course of which, the parties arrived at a compromise and are now before this Court for quashing the prosecution on the ground that the issues have been amicably settled.

3 Today, Senthilkumar (A.1), Jayashree (A.2) and Selvaraj are present before this Court. They have filed a joint affidavit dated 07.06.2018, wherein, it is stated as follows:

"2. We state that notwithstanding the merits of the matter, the petitioners have now settled the issue with the second respondent/de facto complainant and the second respondent is also willing to withdraw all the allegations and the proceedings against the petitioners. The other civil proceedings between the petitioners and the second respondent have also been settled. The petitioner and the second respondent have also entered into a settlement agreement on 26.05.2018 and a copy of the same is enclosed herewith. The issues between the petitioners and the second respondent having been settled, continuation of the proceedings will lead to abuse of the process of law and courts.

It is therefore prayed that this Hon'ble Court may be pleased to call for the records pertaining to the proceedings in C.C. Nos.97 to 103 of 2010 on the file of the Judicial Magistrate No.1, Tiruppur and quash the same and pass such further or 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 in C.C. Nos. 97 to 103 of 2010 on the file of the Judicial Magistrate No.1, Tiruppur, stand quashed and as a sequel, these Criminal Original Petitions are allowed. The petitioners, viz., Senthilkumar (A.1) and Jayashree (A.2) and Selvaraj (second respondent/de facto

complainant) are directed to pay costs of Rs.5,000/- each to the Tamil Nadu State Legal Services Authority, Chennai, within a period of two weeks from the date of receipt of a copy of this order. Connected Crl.M.Ps. are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Inspector of Police
District Crime Branch
Tiruppur
- 2 The Judicial Magistrate No.I
Tiiruppur
- 3 The Public Prosecutor
High Court of Madras
Chennai 600 104
- 4 The Secretary,
Tamil Nadu state Legal Serries Authority,
Chennai.

+1cc to Mr.K.S.Karthik Raja, Advocate, S.R.No.35593
+7cc to Mr.P.Valliappan, Advocate, S.R.No.35584

Crl.O.P. Nos.12655 to 12661 of 2018

RV(CO)
GSP(18/06/2018)

WEB COPY