

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2018

CORAM

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

Crl.O.P. No.15340 of 2018

1.C.Palanisamy
2.P.Devipriya
3.P.Karthikprabu

... Petitioners

vs.

1. State Represented by the
Inspector of Police
Gopichettipalayam Police Station
Erode District.

2.M.Kandathasamy

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C. to call for the entire records pursuant to C.C.No.269 of 2007 on the file of Judicial Magistrate, Gobichettipalayam and quash the same.

For petitioners : Mr.V.P.K.Gowtham

For R1 : Mrs.Kritika Kamal, P.
Government Advocate (Crl.Side)

For R2 : Mr.N.Chinnaraj

O R D E R

This Criminal Original Petition has been filed to call for the entire records pursuant to C.C.No.269 of 2007 on the file of the Judicial Magistrate, Gobichettipalayam and quash the same.

2. On the complaint lodged by the second respondent/de facto complainant, the first respondent registered a case in Cr.No.73 of 2007 and after completing the investigation, has filed a final report in C.C.No.269 of 2007 for the offences under Sections 120-B and 420 IPC against the petitioners/accused, for quashing which, this petition has been filed by the accused on the ground that they have arrived at a compromise.

3. Today, the second respondent/de facto complainant and Palanisamy [A1] are present. The de facto complainant has filed an affidavit, wherein, it is stated as follows:

"2. I submit that had given complaint against the petitioner due to misunderstanding arose in business and now issue is resorted with petitioners. Hence nothing to proceed further between us. Hence I had given consent before the court below to record our memo of settlement but court below rejected our settlement terms saying that 120 b IPC non compoundable offence. Hence now I am before this Hon'ble Court.

3. I submit that I have no objection to quash the proceedings against the petitioners. Hence this affidavit may be taken into consideration for considering the above case."

In view of the above, this petition is allowed and the proceedings in C.C.No.269 of 2007 on the file of the Judicial Magistrate Court, Gobichettipalayam are quashed. Each of the accused is directed to deposit a sum of Rs.1,000/- (Rs.3,000/- totally) to the credit of Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry) within two

weeks from the date of receipt of a copy of this order and file a copy of the receipt along with the compliance report in the Registry.

Sd/-

Assistant Registrar (CS V)

//True copy//

Sub Assistant Registrar

To

1.The Inspector of Police
Gopichettipalayam Police Station
Erode District.

2.The Judicial Magistrate,
Gobichettipalayam.

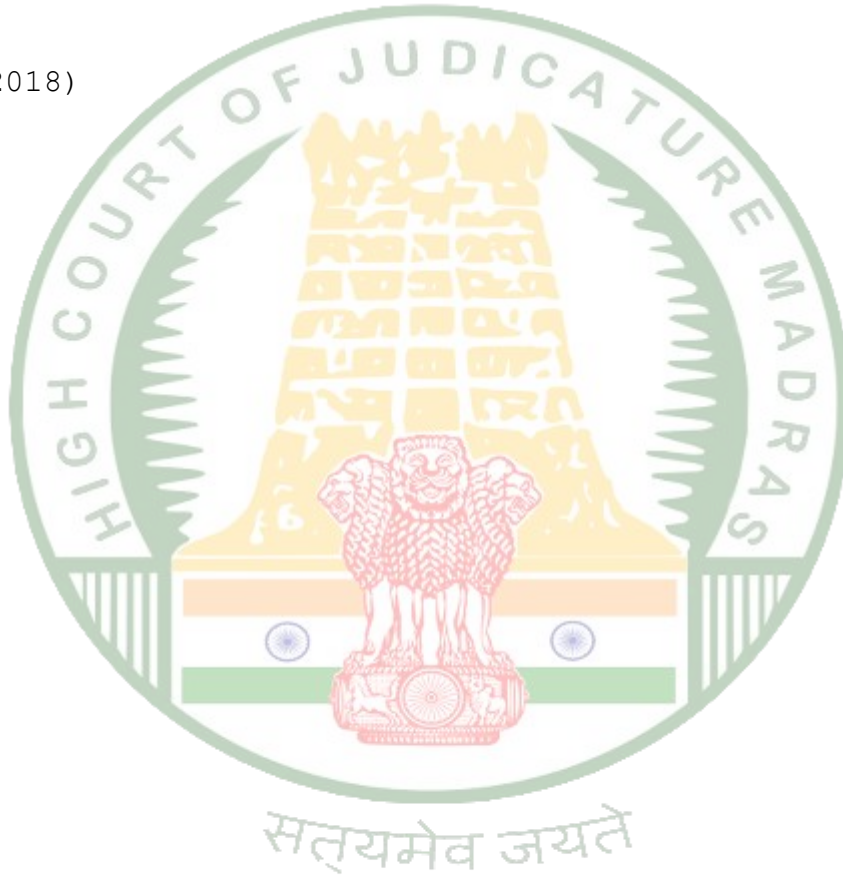
3.The Public Prosecutor
High Court, Madras.

4.The Sub Assistant Registrar,
Accounts Section,
High Court, Chennai.

+1cc to Mr.V.P.K.Gowtham, Advocate SR.No.39205

Cr1.O.P. No.15340 of 2018

NA (CO)
GN(02/07/2018)



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