

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.17644 of 2018
and Crl.M.P.No.9156 of 2018

Linkan @ Linkan Saxena

.. Petitioner

Vs

1. The Sub-Inspector of Police,
R-8, Vadapalani Police Station,
Chennai.

2.Nakul Dev Jaswal

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in FIR No.264 of 2018 from the file of the 1st respondent police and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.A.Ilaya Perumal

For Respondents: Ms.Kritika Kamal

Govt. Advocate [Crl. Side] for R1
Mr.E.Maharajan (for R2)

O R D E R

This petition has been filed to quash the FIR in Crime No.264 of 2018 on the file of the 1st respondent.

2.On the complaint lodged by the 2nd respondent, the 1st respondent has registered a case in Crime No.264 of 2018 on 29.04.2018 under Section 384 and 506[1] IPC against the petitioner herein. For quashing which, this petition has been filed on the ground that the parties have arrived at a compromise.

3.Today, the petitioner and the 2nd respondent are present before this Court. On a reading of the FIR, it is seen that the petitioner and 2nd respondent were students in SRM university and were doing B.Tech; that the petitioner had been threatening the 2nd respondent for a period of time and on 29.04.2018, it is alleged that the petitioner had taken away money from the pocket of the 2nd respondent. The 2nd respondent has filed an affidavit, wherein, in paragraph Nos.2, 3 and 4 it is stated as follows :

"2) I submit that myself and the petitioner are classmates and we studied B.Tech (Mechanical Engineering) in S.R.M.University, Vadapalani, Chennai - 600 026. During our joint stay in one

room we had some misunderstanding between us and I have been constrained to lodge a complaint as against the Petitioner herein at the spur of the moment before the 1st respondent police and on the said complaint the police has registered an FIR in Crime No.264 of 2018 for the offences under Sec.384 & 506(i) of IPC. After the registration of the FIR as against the petitioner herein he was remanded to judicial custody and later during the hearing of the Bail petition before the XVII Metropolitan Magistrate, Saidapet, Chennai - 600 015 in CrI.M.P.No.1900 of 2018 in Crime No.264 of 2018, I had given no objection to grant bail in Crime No.264 of 2018. Even I have filed an affidavit and expressed my willingness to compound the said offences by considering the future of the petitioner herein.

3) I humbly submit that by considering the future of the petitioner I have no objection to quash the FIR in Crime No.264 of 2018 in entirety.

4) I submit that I am swearing this consent affidavit without any coercion, compulsion or inducement from any quarters including the petitioner herein and I am filing this affidavit only by considering the future of the petitioner herein."

4. In the result, this petition is allowed and the FIR in Crime No.264 of 2018 on the file of the 1st respondent is hereby quashed. Consequently, connected Miscellaneous Petition is closed.

5. Though they have arrived at a compromise, yet this Court is of the view that the petitioner cannot be let off, without making him to undertake some social service activities so as to realise that he shall not be a bully in the future. The petitioner is directed to pay Rs.1,000/- to 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. The petitioner is directed to report before the Secretary, Bala Vihar, School for mentally challenged, Kilpauk Garden Road, Chennai-10 at 10 a.m. from 30.07.2018 to 03.08.2018 and take part in the activities of the school till 05.30 p.m.

Sd/-

Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

To

1.The Sub-Inspector of Police,
R-8, Vadapalani Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

Copy to:

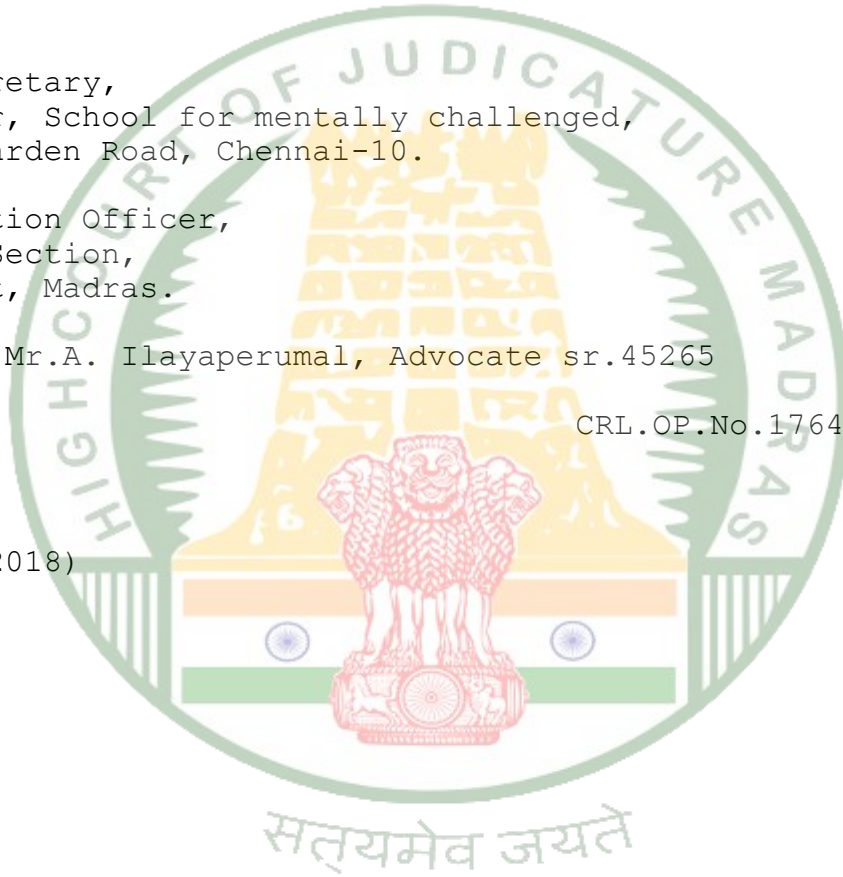
1.The Secretary,
Bala Vihar, School for mentally challenged,
Kilpauk Garden Road, Chennai-10.

2.The Section Officer,
Accounts Section,
High Court, Madras.

+ 1 cc to Mr.A. Ilayaperumal, Advocate sr.45265

CRL.OP.No.17644 of 2018

KK(CO)
EU(27/07/2018)



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