

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.21771 of 2015

and M.P.No.1 of 2015

Abhishek Petitioner/Accused
Vs.

1. The State, represented by; Respondent/Complainant
The Sub-Inspector of Police,
R3, Ashok Nagar Police Station,
Ashok Nagar,
Chennai.
(Crime No.1715 of 2015).

2. V.Vasudevan Respondents/Detacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the case in C.C.No.2682 of 2015 pending trial on the file of XVII Metropolitan Magistrate, Saidapet, Chennai - 600 015 and quash the same.

For Petitioner : M/s.A.Balamurugan

For Respondent-1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For Respondent-2 : Mr.N.Ganesh

ORDER

This Criminal Original Petition has been filed by the petitioner seeking to quash the proceedings in C.C.No.2682 of 2015, pending on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai - 600 015.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor for the first respondent and the learned Counsel appearing for the second respondent and perused the materials available on record.

3. The case of the prosecution is that on 26.04.2015 at about 8.00 a.m. the petitioner and his brother asked the second respondent for supply of sump water. When the second respondent told them that even on the previous occasion, they have not paid money for the supply of sump water and asked them to get the water on their own. The petitioner and his brother having enraged by this reply started abusing the second respondent in unparliamentary words and threatened him and his wife with dire consequences. After the incident, the second respondent lodged a police complaint requesting to take action against the petitioner and his brother. On receipt of the complaint, the first respondent registered a case in Crime No.1715 of 2015 for the offences under section 294(b) and 506(i) IPC. Now, the first respondent on completion of the investigation has filed a final report in Crime No.1715 of 2015 before the learned XVII Metropolitan Magistrate, Saidapet, Chennai - 600 015, which has taken cognizance in C.C.No.2682 of 2015 and the case now stands posted to 30.08.2015.

4. It is seen that the petitioner is a tenant and the second respondent/defacto-complainant is a landlord. The petitioner and his brother asked the second respondent for the supply of sump water, but the respondent refused to supply the sump water quoting a reason that the petitioner's family had failed to make the payment on the previous occasion for the supply of sump water and abused the second respondent. Hence, the second respondent lodged a complaint before the first respondent police. On receipt of the complaint, the first respondent police had registered a case in Crime No.1715 of 2015 as against the petitioner for the offences under sections 294(b) and 506(i) IPC. Thereafter, the respondent police filed a final report before the learned XVII Metropolitan Magistrate, Saidapet, Chennai - 600 015 and the charges are also framed as against the petitioner under Sections 294(b) and 506(i) IPC. At the time of vacating the premises, the disputes between the petitioner and the second respondent the entire allegations very simple and trivial in nature.

5. It is also seen that the second respondent/defacto complainant himself filed a consent affidavit and he has no objection to allow this petition. The consent affidavit filed by the second respondent/defacto complainant reads as follows.-

"6. I state that subsequently, the petitioner's family approached me a couple of days ago, regarding my complaint with the police and the subsequent C.C., against the petitioner and requested me to reconcile the complaint and we had mutually discussed the issue and ultimately we arrived at a compromise between ourselves. I state that since the petitioner is a young man and having graduated is now working to enhance his career, and because of the above C.C. his future may get spoiled. Therefore, considering the future of the petitioner and the request made by the petitioner and his family members, out of sympathy and considering the future of the petitioner, I am not pursuing the case registered on the basis of my complaint. We have buried the past incident between ourselves, which had culminated in the above C.C.

7. I most respectfully state I am in the last stage of my life being a blood cancer patient and I am counting my days to reach the lotus feet of God. I want to live rest of my life peacefully and do not want to put the future of a young man in jeopardy. Therefore, considering the future of the petitioner being a young man with good academic qualification being a merit scholar, I want to withdraw the complaint preferred against the petitioner.

8. I state that since the issue between us has been resolved amicably and I have no objection whatsoever in allowing the petition filed by the petitioner in the above CrI.O.P.No.21771 of 2015. I swear this affidavit out of my free will and volition without any undue influence and pressure whatsoever."

6. Considering the facts and circumstances of the case, the pendency of proceedings in C.C.No.2682 of 2015 would not serve any purpose pending before the learned XVII Metropolitan Magistrate, Saidapet, Chennai - 600 015 and as such to meet the ends of justice this Court is inclined to allow this petition.

7. In the result, the Criminal Original Petition is allowed and the proceedings in C.C.No.2682 of 2015, pending on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai - 600 015, is hereby quashed. Consequently, connected Miscellaneous Petition is closed.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The XVIII Metropolitan Magistrate,
Saidapet, Chennai
 2. The Chief Metropolitan Magistrate,
Egmore, Chennai
 3. The Sub-Inspector of Police,
R3, Ashok Nagar Police Station,
Ashok Nagar, Chennai. (Crime No.1715 of 2015).
 4. The Public Prosecutor, High Court, Madras.
- 2 cc to Mr.A.Balamurugan, Advocate Sr.No.41125
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MSN (CO)

RRI 31/05/2019

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