

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6738 of 2019
and
Crl.M.P.Nos.3723 & 3725 of 2019

1.Hariharan
2.Srinarayanan
3.Kamesh
4.Ashraf

...Petitioners/Accused 2,3,6,8

Vs.

1.State rep. by,
The Inspector of Police,
T-14, Mangadu Police Station
Mangadu, Chennai 600 122
Kancheepuram District
(Crime No.1384 of 2014)

...1st Respondent/Complainant

2.M.Bharathi

...2nd Respondent/De-facto Complainant

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.173 of 2015 pending on the file of learned District Munsif cum Judicial Magistrate, Sriperumpudur, Kancheepuram District and quash the same as far as the petitioners are concerned.

For Petitioners : Mr.K.Balasubramaniam

For 1st Respondent : Mr.M.Mohamed Riyaz for R1
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to to call for the records in C.C.No.173 of 2015 pending on the file of learned District Munsif cum Judicial Magistrate, Sriperumpudur, Kancheepuram District and quash the same as far as the petitioners are concerned.

2.The learned counsel for the petitioners would submit that the petitioners arrayed as Accused 2, 3, 6 & 8 in C.C.No.173 of 2015. The 2nd respondent/ defacto complainant is the Revenue Inspector working in Mangadu Circle. On 17.11.2014 at about 18.30 hours when the 2nd respondent and his assistant while travelling in a motor bike, three unknown persons waylaid and attacked them using cricket stumps and abused them in filthy language and gave a life threats. Hence a complaint was registered in FIR in Crime No.1384/2014 for offences under Sections 341, 294(b), 323, 332, 353, 506(ii) IPC and subsequently altered to 147, 148, 341, 294(b), 323, 353, 332, 506(ii), 307 IPC. Further, after investigation the final report was filed before the learned District Munsif cum Judicial Magistrate and taken on file in C.C.173 of 2015.

3.A Joint Memo of Compromise was filed before this Court in CrI.O.P.No.6751 of 2017 in C.C.No.173 of 2015 on 13.03.2018 and the same has been signed by the 1st Accused and the 2nd respondent / defacto complainant and also by their respective counsel . The 2nd respondent / defaco complainant has also filed an affidavit to that effect. The relevant portion of the affidavit is hereby extracted:

3.I submit that it was only after the C.C.No.173/2015. I came to know that the petitioners name was included in the above C.C.No.173/2015. During the pendency of the trial myself and the petitioner have compromised among ourselves, that for the reason that the petitioner is a very good friend of mine, myself and the petitioner have also worked together for the development of Mangadu Village while the petitioner was the village head. I further submit in order to strengthen our friendship I have accepted to withdraw the pending criminal proceedings as against the petitioner and others.

4.I submit that only the present petitioner have approached me for compromise, hence I have accepted to quash the proceedings against him and others. As far as the other petitioners are concerned, if they approach me for compromising the pending issue, I will come forward to give my consent as and when they file quash petition before this Hon'ble Court".

4.Based on the Joint memo of Compromise and also based on the affidavit filed by the 2nd respondent / defacto complainant dated 13.03.2018 stating that the 2nd respondent has no objection to quash the proceedings in C.C.No.173 of 2015, pending on the file of the learned District Munsif Cum Judicial Magistrate, Sriperumpudur, Kancheepuram, the entire proceedings in C.C.No.173 of 2015 was quashed as against the 1st Accused.

5. It is seen from the records that this Court by its order dated 13.03.2018 in CrI.O.P.No.6751 of 2017 quashed the entire proceedings as against the 1st accused. It is also seen from the joint compromise memo filed by the 2nd respondent / defacto complainant in paragraphs 3 & 4, wherein the 2nd respondent averred that he is ready to withdraw the entire proceedings as against all the accused persons, the pendency of the proceedings in C.C.No.173/2015 as against the petitioners would not serve any purpose and it is mere abuse of process of law and to meet the ends of justice, this Court is inclined to quash the proceedings as against the petitioners on the file of learned District Munsif cum Judicial Magistrate, Sriperumpudur, Kancheepuram District.

6. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.
kas

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The District Munsif cum Judicial Magistrate
Sriperubudur, Kancheepuram District

2.The Inspector of Police,
T-14, Mangadu Police Station
Mangadu, Chennai 600 122
Kancheepuram District
(Crime No.1384 of 2014)

2.The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.K.Balasubramaniam, Advocate, SR.No. 23449

CrI.O.P.No.6738 of 2019
and
CrI.M.P.Nos.3723 & 3725 of 2019
Kak(03/04/2019)