

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.11316 of 2017
and
Crl.O.P.No.11876 of 2019
and
Crl.M.P.No.6149 of 2019

S.Mohanraj ...Petitioner in Crl.O.P.No.11316/2017

1.C.D.Mani @ P.Manikandan

2.Vinoth @ Vinoth Kumar ...Petitioners in Crl.O.P.No.11876/2019

Vs.

1.State by

The Inspector of Police
Pallikaranai Police Station
Chennai

Crime No.1542 of 2017 ...1st Respondent in Crl.O.P.No.11316/2017

1.The Inspector of Police,
S-10 Pallikaranai Police Station,
Chennai District.

...1st Respondent in Crl.O.P.No.11876/2019

2.G.Raja

...2nd Respondent in both Crl.O.Ps.

COMMON PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in FIR in Crime No.1542 of 2017 dated 08.06.2017 pending investigation on the file of the 1st respondent police and quash the same against the petitioners.

For Petitioner : Mr.M.Jaikumar
in Crl.O.P.11316/2017

For Petitioners : Mr.C.D.Johnson
in Crl.O.P.11876

For Respondents : Mr.Mohamed Riyaz
in both Crl.O.Ps. Addl. Public Prosecutor
for R1
Mr.M.Murali for R2

COMMON ORDER

These Criminal Original Petitions have been filed to call for the records in FIR in Crime No.1542 of 2017 dated 08.06.2017 pending investigation on the file of the 1st respondent police and quash the same against the petitioners.

2.The learned counsel appearing for the 2nd respondent would submit that the matter has been now compromised and settled between the parties amicably. The 2nd respondent / defacto complainant has filed a counter affidavit before this Court on 29.04.2019 which reads as follows:

"1.I am the 2nd respondent / defacto complainant herein and as such I am well acquainted with the facts and circumstances of the case and I am competent to swear the above affidavit.

2.I submit that I am doing real-estate business in Velacherry, Madipakkam etc., While so on called 08.06.2017. Some of the police officials who called to my place in plain cloth and obtained my signature in the blank papers. Now only I came to know that the first respondent had made use of the above said papers foster false case against some person who are not know to me.

3.I state that I do not know who are the accused persons in the above persons at any point of time and they have never demanded any money from me.

4.I state that no way connected in foisting the above complaint and I do not have the knowledge of the false complaint.

3.It is seen from the counter affidavit filed by the 2nd respondent / defacto complainant that the matter has been settled amicably between the parties. The same has been taken on record.

4.Under such circumstances, no useful purpose will be served in keeping the First Information Report pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Guj Rath), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the FIR in Crime No.1542 of 2017 dated 08.06.2017 pending investigation on the file of the 1st respondent police.

5. Accordingly, these Criminal Original Petitions stand allowed and as a sequel, the proceedings in FIR in Crime No.1542 of 2017 dated 08.06.2017 pending investigation on the file of the 1st respondent police is quashed and the terms of the counter affidavit filed by the 2nd respondent dated 29.4.2019 shall form part and parcel of this Order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police
Pallikaranai Police Station
Chennai, Crime No.1542 of 2017

2.The Inspector of Police,
S-10, Pallikaranai Police Station,
Chennai District.

3.The Public Prosecutor,
High Court of Madras.

+2cc to Mr.C.D.Johnson, Advocate Sr.41853 & 41852
+1cc to Mr.M.Murali, Advocate Sr.42465

CrI.O.P.No.11316 of 2017
and
CrI.O.P.No.11876 of 2019
and
CrI.M.P.No.6149 of 2019

kk[co]
srg 02/07/2019

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