

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl.O.P.No.25440 of 2019

Appun @ Dayalamoorthy ...Petitioner/Accused No.1
Vs.

1. The State rep. by
The Inspector of Police,
K7, ICF Police Station,
Chennai - 600049.

Joseph Ranjithkumar (Deceased)

2. J.Jayanthi ...Respondents/Complainant
(2nd respondent impleaded vide order dated 22.10.2019 in Crl.M.P.No.14998 of 2019 in Crl.O.P.No.25440 of 2019) Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for entire records in connection with the case in FIR in Crime No.680 of 2017 on the file of the respondent police and quash the same.

For Petitioner : Mr.A.Ramesh, Senior Counsel
for Mrs.S.Deepika

For Respondents: Mr.C.Iyyapparaj
Additional Public Prosecutor
for R1
Mr.P.Selvam
for impleaded respondent R2

O R D E R

This Criminal Original Petition is filed to call for the entire records in connection with the case in FIR in Crime No.680 of 2017 on the file of the respondent police and quash the same.

2. It is stated that the defacto complainant had expired and the deceased complainant's wife, namely J.Jayanthi, has filed an affidavit dated 03.10.2019, stating that she has no objections to have the FIR in Crime No.680 of 2017 quashed.

3. The offences, for which the FIR has been registered, are under Sections 147, 148, 323, 324, 506(2) of I.P.C. The

averments in the complaint does not disclose the petitioner's presence at the scene of occurrence and as such, the offences may not be made out as against this petitioner, who is arrayed as A1.

4. In view of the amicable settlement arrived between the parties and by taking into account the affidavit filed by the defacto complainant's wife, the investigation, insofar as the petitioner herein/A1 is concerned, stands quashed. It is made clear that it is open to the Investigation Officer to proceed with the investigation, insofar as other accused are concerned and during the course of such investigation, the petitioner herein shall cooperate with the investigation.

5. At this juncture, the learned Additional Public Prosecutor appearing for the 1st respondent submitted that the defacto complainant is alleged to have been murdered, for which a separate investigation is being proceeded with.

6. It is made clear that the quashing of the impugned FIR, insofar as the petitioner is concerned, will have no relevance to the investigation being conducted, in connection with the death of the defacto complainant.

7. Accordingly, the Criminal Original Petition stands allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
K7, ICF Police Station, Chennai - 600049.

2. The Public Prosecutor,
High Court of Madras.

+1 cc to M/s.S.Deepika, Advocate Sr.No. 88277

AKM/29.11.19/2P-4C /

Cr1.O.P.No.25440 of 2019