

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No. 18153 of 2016
and
Crl.M.P.No.8615 of 2016

P.Boopathi Raj
S/o.Late T.Perumal NadarPetitioner/Accused

-Vs-

P.Thirupathi Raj
S/o.Late T.Perumal Nadar. Respondent/Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to quash the complaint filed by the complainant against the accused in C.C.No.641 of 2015 on the file of the XXIII M.M.Court, Saidapet, Chennai.

For Petitioner : Mr.P.Gunaraj
For Respondents : Mr.R.Kannan

O R D E R

The petitioner and respondent are blood brothers, some remarks made by the petitioner offended the respondent and according to the respondent which was defamatory. Hence, the respondent had filed a private complaint for offence under Sections 499 and 500 IPC against the petitioner in C.C.No.641 of 2015 which is pending for trial before the XXIII Metropolitan Magistrate, Saidapet, Chennai.

2. During the pendency of the proceedings, this Court expressed its intention whether both the counsel for the petitioner and respondent would amicably settle the dispute between them, who are non other than blood brothers, and thereafter, the petitioner had expressed his regret for making such observation and comment against the respondent and affidavit expressing his regret has been filed, which is extracted below:

"I, P.Boopathi Raj, son of late T.Perumal Nadar, Hindu, aged about 66 years and residing at No.141, Pillaiar Kovil Street, Jafferkanpet, Chennai - 600

083, do hereby solemnly affirm and sincerely state as follows:

1. I submit that I am the petitioner herein and as such, I am well acquainted with the facts and state as follows:
2. I state that I have sent a reply letter dated 31.07.2014 to the respondent herein for the letter dated 30.05.2014 sent by the respondent herein to me and in the said reply letter dated 31.07.2014 in the end of the para No.6 at page No.7 of the said reply letter dated 31.07.2014, I have unknowingly and without any intention I have used the word as "homicide" of our father and the same is without any intention and if the same has offended any one, I regret for the same.
3. I declare that what is stated above is true and correct."

3. In view of the petitioner expressing his regret, the respondent accepted the regret and now the issue has been resolved amicably between them. In view of the above devolvment, this Court is inclined to quash all further proceedings in C.C.No.641 of 2015 on the file of the XXIII Metropolitan Magistrate, Saidapet, Chennai.

4. Accordingly, this petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bri

To

The XXIII Metropolitan Magistrate,
Saidapet,
Chennai.

+1 cc to M/s.P.Gunaraj, Advocate Sr.No. 32276

+1 cc to M/s.R.Kannan, Advocate Sr.No. 32269

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SVI (CO)
RMP (29/01/2021)