

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.4565 of 2015

and M.P.No.1 2015

1.Dhanasekaran
S/o.Late Rajagopal

2.Mrs.Yogammal
W/o.Late Rajagopal

... Petitioners

Vs.

1.State rep.by
The Deputy Commissioner of Police,
Central Crime Branch,
Vepery, Chennai - 600 007.

2.The Inspector of Police,
Central Crime Branch,
Office of Commissioner of Police,
Vepery, Chennai - 600 007.

3.Mrs.G.Amutha
W/o.S.Gunasekaran

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the order of the learned XI Metropolitan Magistrate, Saidapet, Chennai - 15 in Crl.M.P.No.242 of 2015 dated 21.01.2015 referring the private complaint filed by the third respondent for investigation to the first respondent under Section 156(3) of Criminal Procedure Code.

For Petitioners :Mr.V.Paarthiban

For Respondents :Mr.C.Iyyapparaj
Additional Public Prosecutor
for R1 & R2
Mr.Praveen Kumar
for Mr.P.Anbarasan for R3

O R D E R

This petition has been filed to quash the order dated 21.01.2015 made in Crl.M.P.No.242 of 2015 on the file of the learned XI Metropolitan Magistrate, Saidapet, Chennai - 15.

2. Heard the learned counsel for the petitioners, the learned Additional Public Prosecutor for the respondents 1 and 2 and the learned counsel for the 3rd respondent.

3. The learned Additional Public Prosecutor submitted that the 3rd respondent had filed a private complaint before the learned XI Metropolitan Magistrate, Saidapet, Chennai. The learned Magistrate by order dated 21.01.2015 in CrI.M.P.No.242 of 2015 forwarded the said complaint to the first respondent under Section 156(3) of Criminal Procedure Code, for enquiry and the same was challenged by the petitioners, who were shown as accused in the said complaint. He further submitted that the petitioners herein had given a complaint against the 3rd respondent, for which a counter case in Crime No.471 of 2014 was registered for the offences under Sections 165, 467, 471 and 450 IPC.

4. The learned Additional Public Prosecutor further submitted that there was some property dispute between the petitioners and the 3rd respondent. The 3rd respondent had filed anticipatory bail petition before the Principal Sessions Judge, Chennai in CrI.M.P.No.20531 of 2014 in Crime No.471 of 2014, wherein the Principal Sessions Judge, Chennai referred the case for mediation. During the mediation proceedings, both the petitioners as well as the 3rd respondent have arrived at an amicable settlement on 21.04.2015 and a compromise memo has been filed to that effect. In view of the above settlement, both the petitioners as well as the 3rd respondent withdrawn the complaint initiated against each other. A copy of the compromise memo is produced. He further submitted that Crime No.471 of 2014 is to be dropped shortly and with regard to the proposed case to be registered pursuant to CrI.M.P.No.242 of 2015 is not to be acted upon.

5. The learned counsel for the petitioners as well as the 3rd respondent have admitted the same.

6. Recording the above submissions, nothing survives for adjudication in this petition and hence, the same is closed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

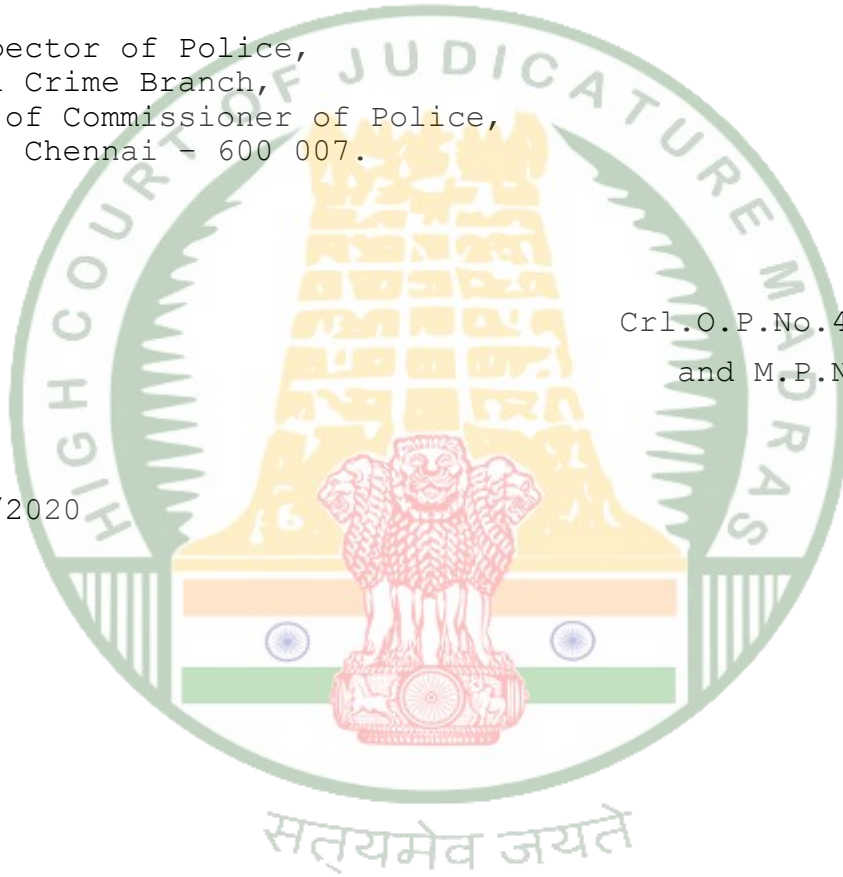
Sub Assistant Registrar

To

- 1.The XI Metropolitan Magistrate,
Saidapet, Chennai - 15.
2. The Public Prosecutor,
High Court, Madras.
- 3.The Deputy Commissioner of Police,
Central Crime Branch,
Vepery, Chennai - 600 007.
- 4.The Inspector of Police,
Central Crime Branch,
Office of Commissioner of Police,
Vepery, Chennai - 600 007.

Crl.O.P.No.4565 of 2015
and M.P.No.1 of 2015

br[co]
srg 25/09/2020



WEB COPY