

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2020

CORAM:
THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.1798 of 2019
and CRL.M.P.No.1089 of 2019

1.P.Ramesh Babu
2.R.Lakshmana Narayanan ... Petitioners
Vs.

1.State
Rep. by the Inspector of Police,
Race Course Police Station,
Coimbatore District.
(Crime No.307/2017)

2.T.Bharathi ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in C.C.No.335 of 2017 pending on the file of the Judicial Magistrate No.III, Coimbatore and quash the same.

For Petitioners: Mr.K.Balasubramaniam

For Respondents

For R1 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

For R2 : Mr.R.Jayaprakash

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.335 of 2017 pending on the file of the learned Judicial Magistrate No.III, Coimbatore.

2. The second respondent / defacto complainant has filed an affidavit stating that she has no objection to quash the proceedings in CC.No.335 of 2017 on the file of the Judicial Magistrate No.3, Coimbatore, which is extracted hereunder:

"1.I State that I am the second respondent herein and as such I am conversant with the facts and circumstances of the case.

2.I reverently state that the case of the prosecution is that on 10.03.2017 both the petitioners have threatened me with dire

consequences to vacate my type office MALAR XEROX and also demolished my shop during night. Hence I have lodged a complaint on 11.03.2017, based on that, a case was registered in C-2 Race Course Police Station Crime No.307 of 2017 under Section 447, 294(b), 427, 506(i) of Indian Penal Code against the petitioners. After investigation, the respondent police had filed the final report under Section 294(b), 447, 506(i) of Indian Penal Code and the said case is pending against the petitioners in C.C.No.335 of 2017 on the file of the Judicial Magistrate at No.3, Coimbatore.

3. I further state that the first petitioner herein had lodged a complaint against me, my son who was then studying in law college and 5 law college students alleging that on 07.03.2017 afternoon at 12.30 hours myself, my son and 5 law college students went to his office and threatened him on demanding money. Hence, based on his complaint, a case has been registered in C-2 Race Course Police Station Crime No.339 of 2017 for the alleged offence under Section 147, 447, 506(i) of Indian Penal Code, and Section 75 (1) (c) TNCP Act on 20.03.2017. After investigation, the respondent police had filed the final report for the alleged offence under Section 147, 447, 506(i) of Indian Penal Code, and Section 75 (1) (c) TNCP Act and the said case is pending against us in C.C.No.334 of 2017 on the file of the Judicial Magistrate at No.3, Coimbatore.

4.I further state that I and my son T.Vignesh have also filed a petition in Crl.O.P.No.29109 of 2018 to quash the proceedings charged against us.

5.I further state that since my son, the aforesaid 4 law college students have enrolled and practicing as advocates in Coimbatore Bar, and the petitioners herein also being advocates, we both parties entered into compromise to settle the matter amicably and intended to quash both the cases in Crl.O.P.No.29109 of 2018 and Crl.O.P.No.1798 of 2019 pending before this Hon'ble Court. Hence, I have no objection to quash the entire proceedings in C.C.No.335 of 2017 against the petitioners.

6.I state that I willfully deposing my consent to quash the C.C.No.335 of 2017. Since ourself and the petitioners have arrived to a mutual compromise hence it is just and necessary to quash present proceeding."

3. Recording the above affidavit of the second respondent, this Criminal Original Petition is allowed, and the entire proceedings in C.C.No.335 of 2017 on the file of the learned Judicial Magistrate No.III, Coimbatore is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III-MDU)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate No.III, Coimbatore.
 - 2.The Inspector of Police, Race Course Police Station, Coimbatore District.
 - 3.The Public Prosecutor, High Court of Madras.
- +1cc to Mr.K.Balasubramaniam, Advocate, Sr.No.23314.
+1cc to Mr.R.Jayaprakash, Advocate, Sr.No.23249.

CRL.O.P.No.1798 of 2019

सत्यमेव जयते

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RSK(CO)
klt(22/05/2020)