

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.1349 of 2019
and
Crl.M.P.18056 of 2019

N.Benjamin Franklin

... Petitioner/Accused

Vs.

1.The State of Tamil Nadu
Rep. by Sub Inspector of Police
G-3, Kilpauk Police Station
Chennai 600 010

...1st Respondent/Complainant

2.Shanthi Solomon

...2nd Respondent/Defecto
Complainant

Prayer: Criminal Revision Case filed under Sections 397 r/w 401 of the Criminal Procedure Code against the adjudication order dated 07.09.2019 passed by the learned Metropolitan Magistrate No.II, Egmore, Chennai, in M.P.No.1892 of 2018 in Crime No.568 of 2005 (G3).

For Petitioner : Mr.V.Rajesh

For Respondents : Mr.K.Prabakar, APP for R1
Mr.M.Suresh for R2

O R D E R

Challenging the order dated 07.09.2019 passed by the learned Metropolitan Magistrate No.II, Egmore, Chennai, in M.P.No.1892 of 2018 in Crime No.568 of 2005 (G3), the petitioner has come up with this Criminal Revision Case. By the impugned order, the learned Magistrate allowed the protest petition filed by the second respondent and by consequential order dated 09.10.2019, took cognizance of the second respondent's complaint in PRC.No.204 of 2019 and directed issuance of process on this petitioner.

2.When the matter was taken up for consideration, the learned counsel appearing for the petitioner filed an undertaking affidavit dated 27.02.2020, wherein, at paragraph 10, it is stated as follows:

"10.I state that, when the above Criminal Revision came up for hearing, before this Hon'ble Court on 20.02.2020, it was submitted by the counsel for the second respondent that she was willing to give a quietus to the entire dispute on my undertaking that I will not sue for any future damages against the second respondent herein, and, this Hon'ble Court directed me to file an affidavit. In pursuance of the above direction of this Hon'ble Court, I am filing this affidavit of undertaking and, I undertake that in the event of allowing my Criminal Revision Petition by this Court, I, will not file any suit for damages or initiate any other prosecution against the second respondent herein on the very same subject matter in future. Therefore, I pray to this Hon'ble Court to record this affidavit and allow my Criminal Revision Petition."

3.Recording the same, this Criminal Revision Case is allowed by setting aside the order impugned herein. The aforesaid affidavit of undertaking filed by the petitioner shall form part of this order. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kas

To

1.The Metropolitan Magistrate No.II
Egmore
Chennai

2.Sub Inspector of Police
G-3, Kilpauk Police Station
Chennai 600 010

+1cc to Mr.V.Rajesh , Advocate, S.R.No.18411

+2ccs to Mr.M.Suresh, Advocate, S.R.No.17072

Cr1.R.C.No.1349 of 2019
and
Cr1.M.P.18056 of 2019

KS (CO)
KKV/16/06/2020