

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.29109 of 2018
and
CRL.M.P.No.17013 of 2018

1.Bharathi
2.Vignesh

... Petitioners

Vs.

1.State

Rep. by the Inspector of Police,
Race Course Police Station,
Coimbatore District.

2.P.Ramesh Babu

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in C.C.No.334 of 2017 pending on the file of the Judicial Magistrate No.III, Coimbatore and quash the same.

For Petitioners : Mr.R.Jayaprakash

For Respondents

For R1 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor
For R2 : Mr.MA.PA.Thangavel

सतममेव जयते
O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.334 of 2017 pending on the file of the learned Judicial Magistrate No.III, Coimbatore and quash the same.

2. The second respondent / defacto complainant has filed an affidavit stating that he has no objection to quash the proceedings in CC.No.334 of 2017 on the file of the Judicial Magistrate No.3, Coimbatore, which is extracted hereunder:

"1.I humbly state that I am practicing advocate in Coimbatore District on 16.03.2017 I had preferred a complaint against 7 persons with the first respondent and as a counter blast the

first petitioner preferred a complaint against me and another advocate namely Lakshmana Narayanan the office bearers of Aishwarya Complex Owners Association a building near the combined court complex at Coimbatore and the same is pending on the file of Learned Judicial Magistrate No.3 of Coimbatore in CC.No.335/2017 u/s 294(b), 447 and 506(i) of IPC against which myself and the said R.Lakshmana Narayanan have preferred a quash petition in Crl.O.P.No.1798 of 2019 and the same is also pending before this Hon'ble Court.

2. I submit that based on the complaint lodged by me the first respondent registered a FIR in crime No.339 of 2017 for offences under Section 147, 447, 75(1) (c) TNCP Act and 506(i) IPC. Further, after investigation the Final Report was filed before the Learned Judicial Magistrate No.III, Coimbatore and taken on file in CC.No.334 of 2017 for offences under Sections 147, 447, 75 (1) (c) TNCP Act and 506(i) IPC.

3.I further state since the second petitioner herein has completed his law degree and has started practicing as an advocate.

4. I submit that pending trial, on the intervention by the Senior members of the Coimbatore Bar I have decided to settle the issue amicably, further the second petitioner have approached me and tendered his apology which I have also accepted. I further submit that considering that the second petitioner is a young Advocate who have a bright future ahead, I have agreed to withdrew the pending criminal case against him. Since the issue has been settled amicably the pendency of the trial as against the petitioners are unnecessary and therefore they have decided to move this Hon'ble Court for remedy.

5.I submit that I am filing this affidavit reporting the compromise and seeking quash of the proceedings in CC.No.334 of 2017 pending on the file of the learned Judicial Magistrate No.III, Coimbatore as against the petitioners.

6.I submit that prima facie there was no issues between myself and the petitioners, nevertheless the issue has been amicably settled between myself and the petitioners and therefore the pendency of the case against them would not serve any useful purpose."

3. Recording the above affidavit of the second respondent, this Criminal Original Petition is allowed, and the entire proceedings in C.C.No.334 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.R.Jayaprakash, Advocate, Sr.No.23250.

+1cc to Mr.K.Balasubramaniam, Advocate, Sr.No.23313.

CRL.O.P.No.29109 of 2018

klt (22/05/2020)

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