

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.OP.No.2573 of 2021
and Crl.M.P.No.1390 and 1392 of 2021

S.Hussain Mohamed

... Petitioner

Vs.

State by

The Inspector of Police,
Sembanarkoil Police Station,
Nagapattinam District.
(Crime No.281 of 2018).

2.Kaviyarasan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records in Spl.S.C.No.39 of 2019, pending on the file of the learned District and Sessions Judge, Nagapattinam, and quash the same as illegal.

For Petitioner : Mr.V.Lakshmi Narayanan
for Mr.A.Gokulakrishnan

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1

O R D E R

This petition has been filed to quash the proceedings in Spl.S.C.No.39 of 2019, pending on the file of the learned District and Sessions Judge, Nagapattinam.

2.It is seen from records that there was a case in counter in Crime Nos.277 of 2018 and 281 of 2018. An incident seems to have taken place when the parties were playing cricket. Based on the complaint given by one Navazkan, an F.I.R. came to be registered in Crime No.277 of 2018 against the second respondent and six others. For the very same incident, based on the complaint given by the second respondent, an F.I.R. came to be registered against the petitioner and three others in Crime No.281 of 2018.

3.The learned counsel for the petitioner brought to the notice of this Court the affidavit filed by the second respondent in Crl.O.P.No.29774 of 2019. For proper appreciation, the relevant portions in the affidavit is extracted hereunder:

"2.I submit that the case of the prosecution is that on 29.07.2018 the FIR was filed based on the complaint given by myself. The case is that I am residing in the above address and studying at Andhra Pradesh. On 28.07.2018 while my brother Hussain Mohammed was returning to my house from Myladuthurai, there due to rash driving there was dispute arose between one Mr.Vignesh and my brother. The further case is that on 29.07.2019 same persons had created a trouble with my area kids by snatching their Cricket Bats. The further case is that in sequence of this the petitioners along with 6 others assembled together and assaulted me and my brother thereby a case was registered by the 1st respondent Police and it is pending Enquiry.

3.I submits that both myself and the 2nd respondent are hailing from same area. We are known each other and hereafter we don't want precipitate the matter. I submits that myself and the defacto complainant went compromise.

4.I submits that I had no objection to quash the FIR pending against the petitioner. Therefore without having any other option the petitioner files this quash petition under Section 482 of Cr.P.C to quash the Criminal Proceedings pending against him.

Under these circumstances, I had no objection to quash the FIR pending against the petitioner in Crime No.277 of 2018 on the file of the Inspector of Police, Sembanarkoil Police Station, Nagapattinam District."

4.Heard the learned Additional Public Prosecutor, appearing on behalf of the 1st respondent.

5.Taking into consideration the facts and circumstances of the case and also of the fact that the entire incident had taken place in the spur of the moment and the parties have decided to burry their hatchet, no useful purpose will be served in keeping the proceedings pending. Accordingly, the proceedings in Spl.S.C.No.39 of 2019, on the file of the learned District and Sessions Judge, Nagapattinam, is hereby quashed. Simultaneously, the F.I.R. in Crime No.277 of 2018, pending investigation on the file of the first respondent Police is also quashed.

6.This Criminal Original Petition is accordingly allowed.
Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rm
To

1.The District and Sessions Judge,
Nagapattinam.

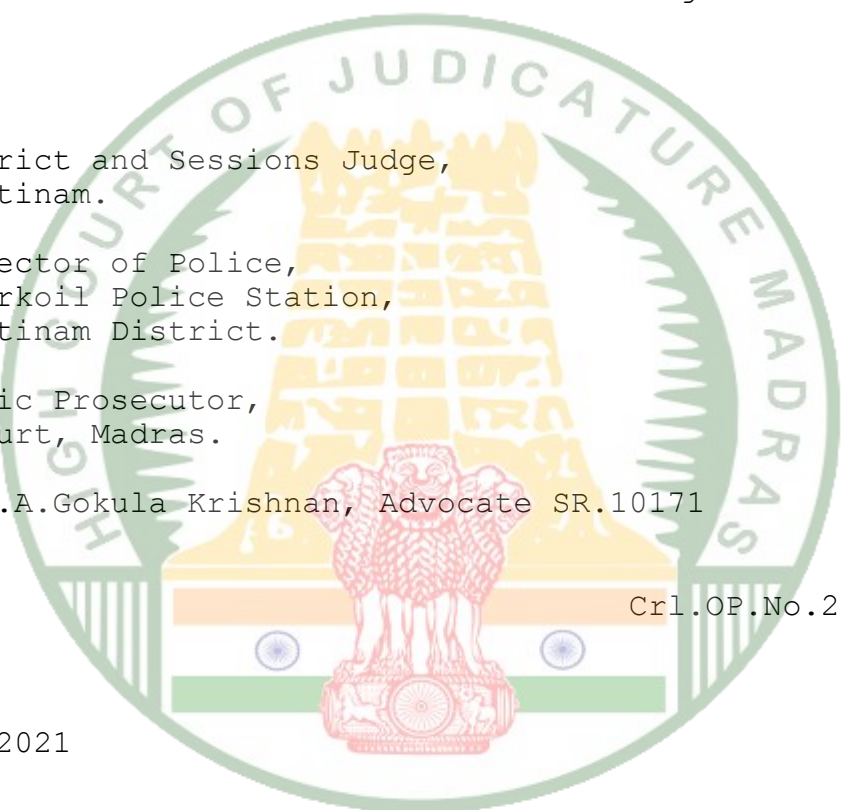
2.The Inspector of Police,
Sembanarkoil Police Station,
Nagapattinam District.

3.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.A.Gokula Krishnan, Advocate SR.10171

Cr1.OP.No.2573 of 2021

ad[co]
srg 02/03/2021

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the gopuram is a red lion capital with a wheel in the center. The entire emblem is set against a background of horizontal stripes (green, white, and green). The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circle around the emblem. Below the emblem, the motto "सत्यमेव जयते" is written in Devanagari script.

WEB COPY