



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.12733 of 2021

and

CrI.M.P.No.7053 of 2021

P.Shaiju.

... Petitioner

Versus

1. State,
Represented by the Sub-Inspector
of Police,
Reddiarpalayam Police Station,
Puducherry.

2. Sheela,
W/o. Anothonysamy

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records pertaining to Crime No.78 of 2016 on the file of the 1st respondent police and quash the same as illegal, incompetent and ultravires.

For Petitioner : Mr.V.Iyyappan

For Respondents : Mr.Balamurugane
Addl. Public Prosecutor (Pondicherry)
for R1

Ms.G.Keerthana for R2

ORDER

(This case has been heard through video conference)

The petitioner/accused in Crime No.78 of 2016 registered for an offence under Sec.380 I.P.C. has filed this quash petition.



2. The contention of the petitioner is that the petitioner's mother has given money for interest to the 2nd respondent/defacto complainant a sum of Rs.40,000/-, during March 2016 and in the repayment, there was some dispute between the petitioner's mother and the defacto complainant. Thereafter, a complaint has been lodged stating that the defacto complainant's two wheeler viz., "TVS WEGO" vide Regn. No.PY-05 A-0726 parked in the portico was found missing and the petitioner was seen riding the same. He would further submit that the defacto complainant and the petitioner's mother were only having money dealings and the petitioner has been falsely implicated knowing about the fact that she is pursuing college studies. Due to the pendency of the above F.I.R., her future has become now questionable one. The defacto complainant after verification had come to know about the real truth has entered into a compromise and agreed to withdraw the complaint.

3. The learned Public Prosecutor (Pudhucherry) would submit that on receipt of the complaint, F.I.R. has been registered and the case is still at the stage of investigation. Both the petitioner and the defacto complainant appeared and their identification was verified, Aadhar card particulars was produced. Both of them agreed for a compromise and the defacto complainant has showed her willingness and intention to withdraw the complaint lodged against the petitioner. Now, a joint compromise memo was also produced.

4. Considering the submissions and on perusal of materials, finding that the the dispute is between the petitioner's mother and the defacto complainant and later on, realising the truth, the defacto complainant had now come forward to withdraw the same and the issue has been settled between them peacefully and amicably. In view of the same, this Court quashes the proceedings against the petitioner in Crime No.78 of 2016. This Criminal Original Petition is, accordingly, allowed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

rpp/mdl



To

1. The Sub-Inspector of Police,
Reddiarpalayam Police Station,
Puducherry.

2. The Public Prosecutor,
Pondicherry.

+1cc to Mr.B.Siddeswaran, Advocate, S.R.No.45063

CRL.O.P.No.12733 of 2021

PA(CO)
RLP(08/09/2021)