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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.11.2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.3460 of 2017
and
Crl.M.P.No. 2493 of 2017

1.S.Muneer Khan
2.Shabeerullah Kahn
3.Hameedh Kahn
4.Shabeera Bee

...Petitioners/ Accused

Versus

1. The Inspector of Police,
District Crime Branch,
Kancheepuram District.

...Respondent/Complainant

2.J.Ramesh Kumar

...Respondent/ De facto-Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call records pertaining to the proceedings in S.C.No.63 of 2016 on the file of the Subordinate Court, Kanchipuram and quash the same.

For Petitioners : Mr.G.K.Sekar

For Respondent : Mr.S.Vinoth Kumar.

Govt. Advocate (Crl.Side) for R1

: Mr.Senthamil Selvan
for R2

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in S.C.No.63 of 2016 pending on the file of Subordinate Court, Kanchipuram for offences under Sections 147, 148, 452, 506(i) of IPC and Sections 2 and 3 of the Prevention of Damage to Public Property Act, 1984 read with Section 109 of IPC.



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2. Heard the learned counsel for petitioners, the learned Government Advocate appearing on the behalf of the first respondent and the learned counsel appearing for the second respondent.

3. The learned counsel appearing for the petitioners submitted that this is a civil dispute and the matter has been settled between the accused and the de facto-Complainant. He further submitted that the property has already been vacated.

4. Per contra, the learned counsel appearing on behalf of the de facto-Complainant submitted that there is no such settlement arrived at between the parties.

5. The learned counsel for the petitioners has not produced any document to countenance his submission that settlement has been arrived at between the parties. Be that as it may, the final report has already been filed and there are allegations of causing damage to the property. This Court cannot look into these factual aspects and the same can be decided only in the trial. Therefore, merely on the basis of assumption and presumption, this Court cannot come to a conclusion that this matter has already been settled. In such view of the matter, this Court do not find any material to quash the final report.

6. Accordingly, this Criminal Original Petition is dismissed. At this stage, learned counsel for petitioners seeks indulgence of the Court to dispense with the personal appearance of the accused before the trial Court. In view of the above, the personal appearance of the petitioners before the trial Court is dispensed with except for receiving papers and answering the questions etc., and whenever the trial Court directs the petitioners to appear before it, the petitioners should appear before the trial Court. Consequently, the connected miscellaneous petition is also closed.

s/d-

Assistant Registrar

//True Copy//

Sub-Assistant Registrar

gba/gpa



To

1. The Subordinate Court,
Kanchipuram

2. The Inspector of Police,
District Crime Branch,
Kancheepuram District.

+3 Ccs to Mr.G.K.Sekar, Advocate sr 59246.

Cr1. O.P. No.3460 of 2017
and
Cr1.M.P.Nos. 2493 of 2017

GPL(CO)
SP(01/12/2021)