

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2016

CORAM

THE HONOURABLE MR. **JUSTICE R.SUBBIAH**

Crl.O.P.No.25020 of 2015

1.Selvam
2.Rajan
3.S.Chandru @ Chandrakanth
4.Nagarajan
5.Dinakar
6.J.Divakar
7.Silambarasan
8.Arumugam
9.Arun
10.Leo @ Prasanth
11.Illakiya @ Illakiyaraj
12.G.Udayakumar
13.Thulasi

... Petitioners

Vs

1.The Inspector of Police,
Taluk Police Station,
Arakkonam,
Vellore District.

2.Andiappan

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to
call for the records in Crime No.144 of 2014 pending on the file of the
Taluk Police Station, Arakkonam and quash the same.

For Petitioners : Mr.D.Muthukumar
For respondents : Mr.C.Emalias,
Addl.Public Prosecutor,
for R.1

ORDER

The present criminal original petition has been filed to call for the records in Crime No.144 of 2014 pending on the file of the Taluk Police Station, Arakkonam and quash the same.

2. On the basis of the complaint given by the second respondent as against the petitioners and others, a case was registered by the first respondent police in Crime No.144 of 2014 for the alleged offence punishable under Sections 147, 148, 294(b), 325 and 307 I.P.C. To quash the said proceedings, the petitioners have come up with the present petition.

3. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioners and the learned counsel appearing for the second respondent / de facto complainant represented that the dispute between the parties was amicably settled. The first petitioner and the second respondent have also filed separate

affidavits stating that they have entered into a compromise. The second respondent / de facto complainant has also stated in his affidavit that he has no objection to quash the FIR in Crime No.144 of 2014 pending on the file of the Taluk Police Station, Arakkonam.

4. However, learned Additional Public Prosecutor opposed to quash the FIR stating that the said complaint has been registered under Section 307 I.P.C., which is a non-compoundable offence.

5. Keeping the submissions made on either side, I have carefully gone through the entire materials available on record.

6. On a perusal of the materials, I find that there is only an election dispute between the parties. Further, I find that earlier, the co-accused viz., S.Purushothaman has filed a petition before this Court in Crl.O.P.No.19548 of 2015 to quash the FIR in Crime No.144 of 2014 pending against him before the Taluk Police Station, Arakkonam and the same was allowed by this Court by order dated 17.8.2015.

7. Considering the facts and circumstances of the case and considering the fact that since the petitioners and the second

respondent have amicably settled the dispute by entering into a compromise, I am of the opinion that the complaint in FIR No.144 of 2014 pending on the file of the first respondent could be quashed since the possibility of conviction will be remote and bleak. Further, it is unnecessary to drag on the proceedings of the present case which would cause great oppression and prejudice and extreme injustice to the petitioners, if the FIR is not quashed.

8. In fine, the complaint in FIR No.144 of 2014 pending on the file of the first respondent is quashed in so far as the petitioners are concerned and the criminal original petition is allowed.

07.01.2016

Index:Yes/No
sbi

To

1.The Inspector of Police,
Taluk Police Station,
Arakkonam,
Vellore District.

2.The Public Prosecutor,
High Court, Madras.

R.SUBBIAH, J

sbi

Crl.O.P.No.25020 of 2015

DATED: 7.1.2016