



Crl.O.P.No.26174 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

Crl.O.P.No.26174 of 2022

T.Senthil Kumar @ Sai Senthil

... Petitioner

Vs.

1. The State rep. by its,
The Inspector of Police,
Neyveli Township Police Station,
Chennai.

2.P.Baskar

... Respondents

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to call for the records in C.C.No.60 of 2022 in Cr.No.112 of 2019 on the file of District Munsif Cum Judicial Magistrate Court, Neyveli and quash the same.

For petitioner : Mr.Mohammed Riyaz for
Mr.S.Saranraj.

For 1st Respondent : Mr.E.Rajthilak,
Additional Public Prosecutor

For 2nd Respondent : Mr.S.Gunasekar



CrI.O.P.No.26174 of 2022

ORDER

The Criminal Original Petition is filed to quash the proceedings in C.C.No.60 of 2022 in Cr.No.112 of 2019 on the file of the learned District Munsif Cum Judicial Magistrate, Neyveli.

2. The brief facts of the case are that a complaint has been given by the defacto complainant on 30.04.2019, alleging that his car bearing Registration No.TN 20 CB 3585 was taken away by the petitioner/accused with an intention to sell away the same. On the basis of the complaint, a case has been registered in Crime No.112 of 2019 for the offence under Section 379 of I.P.C.,

3. The learned counsel for the petitioner would submit that the complaint has been given due to mistake of fact and the Car has been traced out and restored to the defacto complainant. In view of the same, the parties have come forward to compromise the issue and get the order to quash the proceedings.

4. The learned Additional Public Prosecutor appearing for the 1st



CrI.O.P.No.26174 of 2022

respondent would submit that apart from the present case, there are two other cases pending against the very same petitioner and hence that should also be considered while allowing the matter to be quashed on compromise.

5. Today, when the matter is taken up for hearing, the petitioner and the defacto complainant are present before this Court and they are identified by Mr.Aadhi, Sub Inspector of Police, Neyveli Police Station. The 2nd respondent / defacto complainant has filed the affidavit, dated 19.10.2022 by stating that he had given complaint by mistake of fact. Both the parties have consented to close the case in view of the compromise entered into between themselves and they have also stated that there is no coercion or pressure for filing the affidavit to that effect.

6. On perusal of records, it is seen that the case has been registered for the offence under Section 379 of I.P.C., and the said offence is compoundable in nature. The owner of the car/defacto complainant has filed the affidavit in terms of Section 320 of Cr.P.C., Hence, I feel that the petition can be allowed, though there are some other cases pending against the



CrI.O.P.No.26174 of 2022

petitioner. The facts of the present case do not relate to the other two cases.

More so, the defacto complainant himself has stated that he had mistaken the involvement of the petitioner in the theft of his car. In view of the above stated reasons, the affidavit filed by the defacto complainant, dated 19.10.2022 is recorded.

7. In the result, this Criminal Original Petition is allowed and the proceedings in C.C.No.60 of 2022 in Cr.No.112 of 2019 on the file of District Munsif Cum Judicial Magistrate Court, Neyveli is hereby quashed in terms of compromise entered into between parties. The affidavit of the defacto complainant shall form part of this order.

01.11.2022

vum

Index:yes/No

Speaking order / Non speaking order



CrI.O.P.No.26174 of 2022

To:

The Inspector of Police,
Neyveli Township Police Station,
Chennai.



WEB COPY



Crl.O.P.No.26174 of 2022

R.N.MANJULA,J.

vum

Crl.O.P.No.26174 of 2022

01.11.2022