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Crl.OP.Nos.14413 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.14413 of 2024

and

Crl.MP.No.8824 and 8825 of 2024

Chakrapani

... Petitioner

Vs.

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

2. D.Karthik

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the entire records in C.C.No.87 of 2017 pending trial on the file of the Judicial Magistrate-II, Cuddalore and quash the same.

For Petitioner : Mr.V.Jayaprakash Narayanan

For Respondents : Mr.K.M.D.Muhilan,
Government Advocate (Crl.Side)
for R1



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ORDER

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The petitioner herein is the third accused in C.C.No.83 of 2017 pending on the file of the learned Judicial Magistrate-II, Cuddalore.

2. The learned counsel appearing for the petitioner submitted that a pure civil dispute which has already been settled by way of a Court decree in O.S.No.103 of 2013 dated 19.08.2013 been given criminal colour leading to registration of F.I.R in Cr.No.179 of 2013 for the offences under Sections 294B, 323, 341 and 506(ii) and 379 of IPC and later on completion of investigation, FIR has been registered in Cr.No.11 of 2010 dated 06.05.2010 for an alleged offences under Sections 420, 506(ii) IPC r/w 25(1-B)(a) of Arms Act, 1959. On completion of investigation, the respondent police has filed a final report and the matter is ripe for examination of witnesses.

3. The learned counsel for the petitioner claiming that it is purely a civil dispute seeks to quash the final report.



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4. The learned Government Advocate (CrI.Side) submits that for the very same relief, this petitioner along with other accused filed CrI.OP.No.18638 of 2017. When the Court was about to dismiss the case on merits, the learned counsel sought for withdrawal and recording the said fact, the court has permitted to withdraw the case and dismissed the same as withdrawn on 25.01.2022.

5. The learned counsel appearing for the petitioner submits that after the dismissal of this petition, there is a change in circumstances. The witnesses and the accused persons have entered into a compromise and therefore there is no need for further prosecution.

6. A perusal of the records, this Court finds that the accused persons stand charged for the offence under Sections 420, 506(ii) IPC r/w 25(1-B)(a) of Arms Act, 1959, the respondent police in the course of investigation has recovered gun in the premises of the first accused and there is a specific allegation in the complaint that the petitioner and other two accused came to the house of the defacto complainant and threatened him with dire consequences, when he demanded back the money. The petitioner herein, who has been incriminated by the statement of



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witnesses and recovery, suppressing the fact that his earlier petition was dismissed as withdrawn when the court was about to dismiss the case on merits, has come before this Court claiming that he had compromised with the witnesses. The said statement *per se* clearly discloses the attempt to sabotage the criminal process. Therefore, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

21.06.2024

Vv

To

1. The Judicial Magistrate-II,
Cuddalore
2. The Inspector of Police,
District Crime Branch,
Cuddalore District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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