

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10897 of 2019

S.Arul Prakasam

...Petitioner

Vs.

1.State rep by

The Inspector of Police(Crime),
F-5, Choolaimedu Police Station,
Chennai.

2.V.Jayapaul

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records connected with the complaint in Crime No.317 of 2016 on the file of the 1st respondent/F-5, Choolaimedu Police, Crime, Chennai and quash the same.

For Petitioner : Mr.C.V.Kumar
For R1 : Mr.C.Raghavan
Government Advocate (Crl.Side)
For R2 : Mr.Y.Kaja Navas

ORDER

This Criminal Original Petition has been filed to quash the F.I.R in Crime No. 317 of 2016 on the file of the Inspector of Police (Crime), F-5, Choolaimedu Police, Chennai, pursuant to the compromise arrived at by the parties.

2. The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsel. All the parties are present and identified by their respective counsel and the Police. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card are made part of the record. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement

between themselves which reads as follows:

"3.The petitioner had deposit a sum of Rs.1,50,000/- at the time of granting bail to the petitioner in Crl.O.P.No.6589 of 2016 dated 31.03.2019 in Crime No.317 of 2016 before the XVII Metropolitan Magistrate, Saidapet, Chennai.

4.The Petitioner hereby agreed that the deposited amount of Rs.1,50,000/- has to disburse to the 2nd respondent/complainant as full and final settlement of this Crime. This Hon'ble Court may direct the learned XVII Metropolitan Magistrate, Saidapet, Chennai to disburse the deposited amount to the 2nd respondent/complainant.

5.The 2nd respondent hereby agreed that he have no objection to quash the Crime No.317 of 2016 on the file of the 1st respondent police based upon this Compromise."

4. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.317 of 2016.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.317 of 2016, on the file of the Inspector of Police (Crime), F-5, Choolaimedu Police, Chennai is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this Order. In view of the Joint Memo of Compromise, the learned XVII Metropolitan Magistrate, Saidapet, Chennai, is directed to disburse the deposited amount of Rs.1,50,000/- to the 2nd respondent/complainant on due and proper verification. The petitioner shall pay a sum of Rs.5,000/-, as costs, to the Manasu (Mana Nala Sugalayam) at No.695/2, Vaithiar Street, Thirusulam, Chennai-43 Ph:22640809, 7299110658) within a period of one week from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mpa

To

1.The XVII Metropolitan Magistrate, Saidapet, Chennai.

2.Do Thro The Chief Metropolitan Magistrate, Chennai

3.The Inspector of Police(Crime),
F-5, Choolaimedu Police Station,
Chennai.

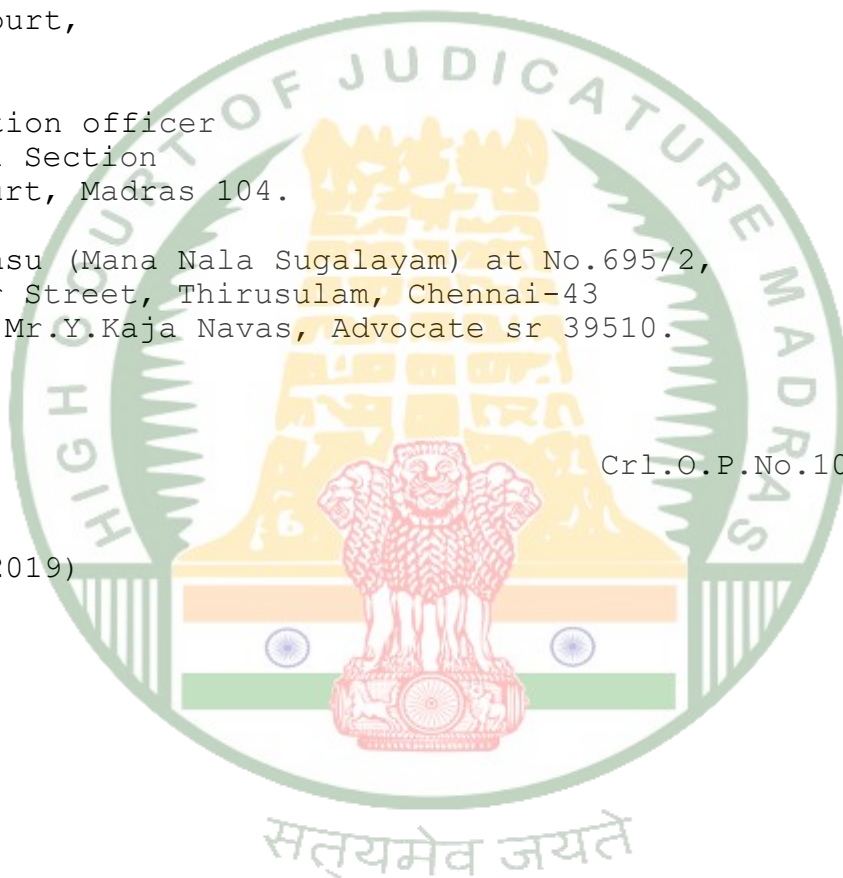
4.The Public Prosecutor,
High Court,
Madras.

5.The Section officer
Criminal Section
High Court, Madras 104.

6.The Manasu (Mana Nala Sugalayam) at No.695/2,
Vaithiar Street, Thirusulam, Chennai-43
+2 Ccs to Mr.Y.Kaja Navas, Advocate sr 39510.

Cr1.O.P.No.10897 of 2019

NMI (CO)
SP(31/05/2019)



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