

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.19141 of 2014
and M.P.No.1 of 2014

R.Kirubashankari

... Petitioner/Accused-2

Vs.

1.The State rep.by
Spl.Sub.Inspector of Police
District Crime Branch,
Land Grabbing Cell,
Kancheepuram.

... 1st Respondent/Complainant

2.A.Thara

... 2nd Respondents/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in Crime No.9 of 2012 pending on the file of the 1st respondent police and quash the same.

For Petitioner : M/s.Nathan and Associates

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed seeking to quash the investigation in Crime No.9 of 2012, on the file of the Special Sub-Inspector of Police, District Crime Branch, Land Grabbing Cell, Kancheepuram, pursuant to the compromise arrived at by the parties.

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

3. An affidavit of the 2nd respondent/defacto complainant and the petitioner/A2 has been filed before this Court, which were signed by the petitioner and the second respondent and also produced the photocopy of their Aadhar Card, which were made part of the record. The respondent Police officials identified the respective parties and the same is accepted. This Court also

enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

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 Gujarath), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the investigation in Crime No.9 of 2012, on the file of the Special Sub-Inspector of Police, District Crime Branch, Land Grabbing Cell, Kancheepuram, insofar as this petitioner/A2 is concerned. The investigation can go on insofar as the A1 is concerned.

5. This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.9 of 2012, on the file of the Special Sub-Inspector of Police, District Crime Branch, Land Grabbing Cell, Kancheepuram, is quashed and the terms in the affidavit shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rm
To

1.The Spl.Sub.Inspector of Police
District Crime Branch,
Land Grabbing Cell,
Kancheepuram.

2. The Public Prosecutor,
High Court, Madras.

+lcc to M/s.Nathan and Associates, Advocate sr.no.9188

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mr(co)
nr 01/03/2019