

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.OP No.22714 of 2019

R.Elumalai

...Petitioner/Accused

.Vs

1.State Rep.by
The Inspector of Police,
J-3 Guindy Police Station,
Chennai.
(Crime No.849 of 2018)

2.Sairam

..R2/Defacto Complainant

3.Balasubramanim

..R3/Victim Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the entire proceedings in Crime No.849 of 2018, on the file of the 1st respondent and quash the same.

For Petitioner : Mr.K.Thenrajan

For 1st Respondent: Mr. M.Mohamed Riyaz
Additional Public Prosecutor

For 3rd Respondent : Mr.A.Selvakumar

ORDER

This Criminal Original Petition has been filed seeking to quash the investigation in Crime No.849 of 2018, pending on the file of the 1st respondent.

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. The Affidavit dated 26.08.2019, has been filed by the 3rd respondent/de-facto complainant before this Court. The petitioner and the 3rd respondent were also present in person before this Court. In order to identify the respective parties, they have also produced the copy of the Aadhaar Card is 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.

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 Gujrath), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quash the First Information Report in Crime No.849 of 2018, pending on the file of the 1st respondent.

5. This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.849 of 2018, on the file of the 1st respondent police, is quashed and the terms of affidavit shall form part and parcel of this order. The petitioner shall pay a sum of Rs.3000/- (Rupees three thousand only) as costs, to the Madras High Court Advocates Clerks Welfare Association (payable in Accounts Section of the High Court Registry), within a period of one week from the date of receipt of 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

KP
To

1.The Inspector of Police,
J-3 Guindy Police Station,
Chennai.

2.The Public Prosecutor,
High Court of Madras,
Madras.

WEB COPY

Cr1.OP No.22714 of 2019

RV(CO)
SP(19/09/2019)