

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.1332 of 2020

V.Johith

...Petitioner

vs.

1.The State Rep. by,
The Inspector of Police,
V-1, Villivakkam Police Station,
Chennai. ... 1st Respondent/Complainant

2. Yugeshwar ... 2nd Respondent/de-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records in connection with Crime No. 565 of 2019, pending on the file of the Inspector of Police V-1, Villivakkam Police Station, Chennai and quash the same in respect of the petitioner/Accused herein.

For Petitioner : Mr.S.Kartik

For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor (for R1)

ORDER

This Criminal Original Petition has been filed to call for records in connection with Crime No. 565 of 2019, pending on the file of the Inspector of Police V-1, Villivakkam Police Station, Chennai and quash the same in respect of the petitioner/Accused herein.

2. Based on the complaint lodged by the second respondent, the first respondent has registered an FIR in Crime No. 565 of 2019 against the petitioner herein and two others under Section 392 of IPC.

3. 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.

4. Though the name of the petitioner is not specifically mentioned in the FIR, the petitioner has been arrested and remanded to judicial custody and the said facts show that the petitioner has involved in this case. Now the petitioner and the second respondent have compromised and also the second respondent has filed an affidavit stating that he has compromised the matter with the petitioner herein.

5. The petitioner and also the second respondent/defacto complainant have appeared in person and the Court enquired with them and satisfied that the parties have settled the issue.

6. Though the offence under Section 392 of IPC is not compoundable and taking into consideration of the fact that the petitioner is a student and the property involved in the case is only a Cell Phone worth about Rs.10,000/- only, 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 is inclined to exercise the power under Section 482 of Cr.P.C and quash the FIR so far as the petitioner is concerned.

7. Accordingly this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.565 of 2019, on the file of the 1st respondent police, is quashed against the petitioner herein alone and the terms of Affidavit shall form part and parcel of this order.

*The Xerox copy of the
Affidavit of the 2nd Respondent enclosed

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

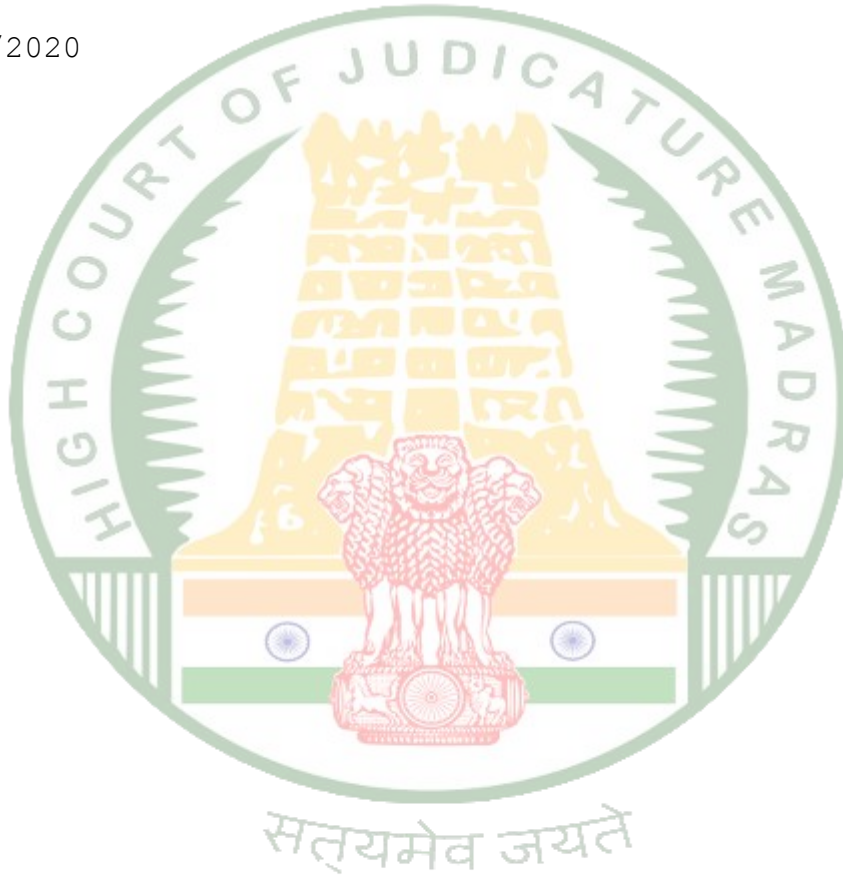
To

1. The The Inspector of Police,
V-1, Villivakkam Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.1332 of 2020

mp[co]
srg 25/02/2020



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