



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 16.03.2020
CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.6015 of 2020

1. Gopikannan
2. Suresh
3. Balamurugan
4. Sankar
5. Gnanavel
6. Kanagaraj
7. Chandru
8. Vignesh
9. Devanand
10. Thambidurai
11. Udayakumar
12. Subash

... Petitioners

Vs

1. The State represented by
The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram District.
Crime No.615 of 2018.

2. Rajesh

... Respondents

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the case in Crime No.615 of 2018 pending investigation on the file of the first respondent police, quash the same based on compromise arrived at between the petitioners and the second respondent/defacto complainant.

For Petitioners : Mr. A.Balamurugan

For Respondents : Mr.M.Mohamed Riyaz, (for R1)
Additional Public Prosecutor.
Mr.R.Ravichandran (For R2)

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the case in Crime No.615 of 2018 pending investigation on the file of the first respondent police, quash the same based on compromise arrived at between



the petitioners and the second respondent/defacto complainant.

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. In view of the above the defacto complaint has filed affidavit before this Court the relevant portion is extracted hereunder:-

"5. the issue between the employees and the first respondent company has been compromised and amicably settled by way of an amicable settlement dated 05.09.2019 signed by both the petitioners, their Labour Union, and by the representatives of the Management in front of the District Collector, Kanchipuram, Deputy Labour Commissioner etc., As per the Minutes of the Meeting of the said amicable settlement, both Management and the Labour side would withdraw all the cases that are filed against each other. Accordingly, this case being initiated by the Management side remains a hurdle to achieve the letter and spirit of the said settlement. Presently, all the employees including the petitioners have been working in our company.

6. In view of the compromise arrived at, our company is not willing to proceed with the case further and in fact, the company wants to withdraw the case against the employees of the company to comply with the terms of the Amicable settlement in letter and spirit.

7. I, most respectfully submit that since the issue between the employees including the petitioners have been amicably settled, we are not willing to proceed with the case against the petitioners and we have no objection to allow the petition filed by the petitioners to quash the above case in Crime No.615 of 2018.

Therefore, I am filing this affidavit on behalf of my company M/s.India Yamaha Motor Pvt. Ltd., and have no objection in the event of this Hon'ble Court allowing the quash petition filed by the petitioners to quash the case in Crime No. 615 of 2018 pending investigation on the file of the first respondent police."



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. quashes the First Information Report in Crime No.615 of 2018.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.615 of 2018, on the file of the Inspector of Police, Sriperumbudur Police Station, Kancheepuram District is quashed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To

1. The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram District.
2. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.6015 of 2020

aa08/07/2020