

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2020

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

Crl.O.P.No.13390 of 2020
and Crl.M.P.No.5198 of 2020

1. M.Rajivgandhi
S/o, Mani
Muthumarriamman koil street,
Pollipakkam Village,
Sholinghur Taluk,
Ranipet District.
2. M.Srinivasan
S/o, Mani
Muthumarriamman koil street,
Pollipakkam Village,
Sholinghur Taluk,
Ranipet District. ...Petitioners

-Vs-

1. The State Represented by,
The Sub Inspector of Police,
Banavaram Police Station,
Sholinghur taluk,
Ranipet District.
2. Pattammal,
W/o, Ranganathan,
Muthumarriamman koil street,
Pollipakkam Village,
Sholinghur Taluk,
Ranipet District. ... Respondents

Prayer:Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the entire records pertains in Crime No.208 of 2013 on the file of the 1st respondent and to quash the same as illegal.

For Petitioner : Mr.A.Gowthaman
For R1 : Ms.M.Prabhavathi
Additional Public Prosecutor

For R2 : Mr.R.Ramesh

O R D E R

The Criminal Original Petition has been laid by the petitioners seeking to call for the records pertaining to Crime No.208 of 2013 pending on the file of the first respondent and quash the same as illegal.

2. The case in Crime No.208 of 2013 has been registered against the petitioners based on the complaint lodged by Srimathi.Pattammal W/o Ranganathan arrayed as the second respondent in the Criminal Original Petition, on the footing that the petitioners are the neighbours of the second respondent/defacto complainant and on 29.04.2013, at about 4.30 pm, when the second respondent was preparing food in her house and her husband was going to street from the house, the first petitioner scolded her husband in filthy language by asking what her husband stated to one Kala's son and thereby attempted to beat her husband and the second respondent came from the house and questioned the first petitioner with reference to the same and the first petitioner scolded the second respondent in filthy language and went to his house, got a knife and tried to cut the second respondent and in the abovesaid act, the corner of the knife touched the forehead of the second respondent and thereby sustained bleeding injury and at the same time, the second petitioner started beating the second respondent with stick and thus, according to the second respondent, the petitioners had committed the offences punishable under sections 294(b), 323 and 324 IPC. Pertaining to the abovesaid occurrence, the case in Crime No.208 of 2013 has been registered against the petitioners and is pending on the file of the first respondent police.

3. According to the petitioners, the offences as alleged by the second respondent had been falsely foisted against them and furthermore, it is put forth by them that only a small fight occurred between the petitioners and the second respondent and no serious injury had been caused to the second respondent in the said incident except wordy altercation between them and without any basis or materials, the first respondent police had registered the case against the petitioners and also contended that, despite the registration of the case in the year 2013, no investigation has been done by the first respondent police and till date, the first respondent has not laid the final report and the matter is kept pending for more than seven years and thus contended that the first respondent is not serious and interested in concluding the investigation and lay the final report. Further, also would state that the petitioners and the second respondent, being neighbours, had completely forgotten the incident and they being neighbours, according to

the petitioners, they have decided to close the issues involved between them by entering into a compromise and therefore, it is putforth that following the compromise entered into between the petitioners and the second respondent, the second respondent had also given a letter to the first respondent police dated 13.11.2020, withdrawing her complaint and to evidence that the parties had compromised amongst themselves, according to the petitioners, both the petitioners and the second respondent/defacto complainant have also filed a joint memo of compromise before this Court and therefore, according to the petitioners, considering the abovesaid developments and inasmuch as, the parties had endeavored to compromise the issues involved in the matter, prayed that the compromise memo putforth by the parties should be recorded and based on the same, the case in Crime No.208 of 2013 registered against the petitioners and pending on the file of the first respondent police should be quashed.

4. Further according to the petitioners, the second petitioner intended to get the employment from the railways and on account of the pendency of F.I.R registered against him, the police has not given the positive verification report in his favour to the railway authorities, despite the incident having taken place nearly seven years ago and hence according to the petitioners, on the abovesaid ground also, the case in Crime No.208 of 2013 is liable to be quashed.

5. Today, when the matter is taken up for enquiry, both the petitioners and the second respondent appeared through video conferencing. The petitioners were identified by the counsel for the petitioners and the second respondent/defacto complainant was identified by her counsel. After being satisfied with the identity of the petitioners and the second respondent/defacto complainant through the video conferencing, this Court questioned both the petitioners and the defacto complainant as to whether they had endeavored to settle the issues between them and prefer the joint memo of compromise as putforth by their respective counsel. Furthermore, the terms of the joint memo of compromise were also read over to the petitioners and the second respondent/defacto complainant. Both the petitioners and the second respondent/defacto complainant had admitted the factum of their entering into the joint memo of compromise and the recitals contained therein filed before this Court and the second respondent/defacto complainant in particular, affirmed that she had handover the letter dated 13.11.2020 to the first respondent police seeking withdrawal of the complaint and the said fact has also been admitted by the Additional Public Prosecutor and accordingly, it is found that the petitioners and the second respondent after settling the issues amongst themselves, had agreed to live peacefully without any untoward incident in future.

6. In view of the above, considering the fact that the case had been registered against the petitioner in the year 2003 and till date no investigation has also been done by the first respondent police and meanwhile the petitioners and the second respondent/defacto complainant have compromised their issues amongst themselves and settled the same, which is evident by the joint memo of compromise filed by them and admitted by them through video conferencing, in such view of the matter, it is found that no useful purpose would serve in keeping the case in Crime No.208 of 2013 further pending. Hence, the contention of the petitioners' counsel that on the abovesaid factors, the case in Crime No.208 of 2013 pending on the file of the first respondent police is liable to be quashed merits acceptance.

7. Recording the terms of the joint memo of compromise filed by the petitioners and the second respondent, in terms of the same and in the light of the abovesaid factors, the First Information Report in Crime No.208 of 2013 pending on the file of the first respondent police is quashed and accordingly, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mfa

To

1.The Sub Inspector of Police,
Banavaram Police Station,
Sholinghur taluk,
Ranipet District.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.A.Gouthaman , Advocate Sr.No. 42126

Cr1.O.P.No.13390 of 2020
and
Cr1.M.P.No.5198 of 2020

PM CO)
RMP 18/01/2021