

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P No.759 of 2021

1.Asar @ Syed Azharudeen
2.Maruthu@ Periyamaruthu
3.Mahesh @ Maheshwaran
4.Pandi @ Chinna Maruthupandi ...Petitioners/Accused 1 to 4

vs.

1. The State Rep. by
The Inspector of Police,
R K Nagar Police Station,
Chennai ...1st respondent/Complainant

2. Thiagarajan ..2nd respondent /Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.412 of 2019 on the file of the respondent police for the alleged offence under Section 294(b), 427, 436, 506(ii) of IPC and under Section 3 of the Tamil Nadu Property [Prevent of Damage and Loss] Act 1992.

For Petitioners : Mr.W.Camyles Gandhi

For Respondents : Mr.Mohammed Riyaz
Additional Public Prosecutor for R1
Mr.M.Arumugam for R2

ORDER

The Criminal Original Petition has been filed to call for the records relating to the Crime No.412 of 2019 on the file of the 1st respondent and quash the same by allowing this Criminal Original Petition.

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

3. A compromise affidavit of the defacto complainant dated 04.01.2021 has been filed before this Court, which have been signed by the petitioners and the respondent and also by their respective counsel. The petitioners and the second respondent were also present through Video conferencing and they were identified by Mr.Gangadharan, Inspector of Police, R K Nagar Police Station, Chennai, who was also present at the time of hearing through Video conferencing. In the affidavit, it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in Crime No.412 of 2019. 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)**, and after exercising due caution as advised by the Hon'ble Supreme Court in **The State of Madhya Pradesh v. Dhruv Gurjar and Another reported in (2019) 2 MLJ Cr1 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.412 of 2019 pending on the file of the Inspector of Police, R K Nagar Police Station, Chennai.

5. This Criminal Original Petition stands allowed and as a sequel, the FIR in Crime No.412 of 2019, pending on the file of the Inspector of Police, R K Nagar Police Station, Chennai, is quashed and the terms of agreement shall form part and parcel of this order. It is brought to the notice of this Court that the petitioners had made certain deposits, which was imposed as a condition while releasing them on bail. In view of the quashing of the proceedings, the petitioners can file an appropriate application before the Court below and the Court below shall permit the petitioners to withdraw the sum deposited in the proceedings. The petitioners shall pay a sum of Rs.2000/- (Rupees Two thousand only) each as costs, to the credit of the **President, Tamil Nadu Advocates Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157)**, within a period of one week from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

Sd/-

Assistant Registrar (CS.VI)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
R K Nagar Police Station, Chennai
2. The Public Prosecutor, High Court, Madras.

Copy to : The President, Tamil Nadu Advocates Clerk Association,
Madras High Court, Chennai

+2cc to Mr.M.Arumugam, Advocate Sr.No.4956

+1cc to Mr.W.Camyles Gandhi, Advocate Sr.No.4753

AKM/17.03.21 /2P-6C/

akm/07.04.21 /2P-1C/

Cr1.O.P No.759 of 2021
29.01.2021