



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2021

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No. 27593 of 2015

And

M.P.No. 1 of 2015

1. C.Baburaj
2. B.Rajeshwaran ... Petitioners 1 & 2 / Accused 1 & 3

Vs.

1. The State
Rep. by its Inspector of Police
G-3, Melmaruvathur Police Station
Cheyyur Taluk
Kancheepuram District -603 319.

Subramani (Deceased)

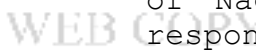
2. S.Sukumar
3. S.Sanjeevi
4. S.Sriram ... Respondents 2 to 4/Proposed
respondents vide order dated
07.09.2021 made in Crl.M.P.No.
8949 of 2021 in Crl.OP.No.27593/15

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the record of the FIR in Crime No. 321 of 2015 on the file of the first respondent and to quash the same.

For Petitioners : Mr. M.Sivavarthanan

For 1st Respondent : Mr. E.Raj Thilak
Government Advocate (Crl. Side)

For RR 2 to 4 : Mr.T.Sreenivasan



ORDER



signed the compromise memo.

7. Being satisfied that the compromise memo had been signed with full knowledge as to its contents and that there has been no coercion regarding the same and more particularly with respect to the identities of the parties, I hold that the same may be recorded. I further hold that in view of the said compromise entered into among the parties, continuation of First Information Report in crime No. 231 of 2015 on the file of the first respondent would be of no avail and the investigation into the allegations thereunder would only be a futile exercise.

8. The Hon'ble Supreme Court in (2019) 9 SCC 641 [Parbatbhai Aahir Alias Parbatbhai Bhimsinhbhai Karmur and Others Vs. State of Gujarat and another], had given various guidelines and principles which should be examined in a criminal case where the parties had entered into a compromise and where it is opined that continuation of either First Information Report or calendar case would be of no avail.

9. The Hon'ble Supreme Court had stated that there may be criminal case which has an overwhelming or predominant element of a civil dispute and which stands on a distinct footing in so far as the exercise of inherent power to quash is concerned.

10. It had also been stated that a criminal case involving offences which arise from financial transactions with a civil flavour may in appropriate situations be questioned where parties have settled the dispute. It had also been stated that the High Court may quash criminal proceedings in view of the compromise between the disputants where the possibility of conviction is remote and the continuation of the criminal proceedings would only cause oppression and prejudice.

11. Mr. E.Raj Thilak, learned Government Advocate (Crl.Side) pointed out that the identity of the parties to the compromise should be examined on the basis of Adhar cards and other documents relating to their identity.

12. Mr. M.Sivavarthan, learned counsel for the petitioner stated forwarded the Aadhar cards and I am confident that the parties present through video conference are the parties who had actually signed the compromise and that the absentee / S.Sanjeevi would not raise any objection for the present order to be passed.

13. In view of these circumstances, I hold that the First Information Report in Crime No. 321 of 2015 on the file of the first respondent need not be put up for further investigation by the Investigating Officer and may be curtailed and the same is



quashed.

14. The compromise shall form part of this order. The copies of the Aadhar cards shall also form part of this order.

15. This Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed. No order as to costs.

* Xerox copy of the Memorandum of Compromise is enclosed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

vsg

To

1. The Inspector of Police
G-3, Melmaruvathur Police Station
Cheyyur Taluk
Kancheepuram District -603 319.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Sivavarthan, Advocate, S.R.No.45172

Cr1.O.P.No. 27593 of 2015
And
M.P.No. 1 of 2015

SSI (CO)
SU(27/09/2021)