

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.OP.No.2542 of 2021

and

Crl.MP.No.1377 of 2021

- 1.Sivabalan
- 2.Annamalai
- 3.Vasanth
- 4.Elango
- 5.Viji

...Petitioners/ Accused 1 to 5

.Vs.

- 1.State rep.by
The Inspector of Police,
Thandarampattu Police Station,
Tiruvannamalai.

1st Respondent/
Complainant

- 2.Gowthaman

2nd Respondent/
De facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the FIR registered in Crime No.170 of 2015, on the file of the 1st respondent and quash the same.

For Petitioners : Mr.Jerry V.V.Sundar

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R 1

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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.170 of 2015, pending on the file of the 1st respondent.

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. The Affidavit dated 18.01.2021 has been filed by the 2nd respondent/de-facto complainant before this Court. The

second respondent was present before this Court and he was identified by Mr.Velmurugan, Sub Inspector, Tiruvannamalai. In order to identify the 2nd respondent, he has also produced the copy of the Aadhaar Card and it is made part of the record. 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.170 of 2015. 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 Gujrat), 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 CrL 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.170 of 2015, on the file of the 1st respondent Police.

5. This Criminal Original Petition stands allowed and as a sequel, investigation in Crime No.170 of 2015, on the file of the 1st respondent police, is quashed and the terms of affidavit shall form part and parcel of this order. The petitioners shall pay a sum of Rs.2500/- (Rupees Two Thousand five hundred only) 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. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

KP

To

1.The Inspector of Police,
Thandarampattu Police Station,
Tiruvannamalai.

2.The Public Prosecutor,
<https://hcservices.ecourts.gov.in/hcservices/>
High Court, Madras.

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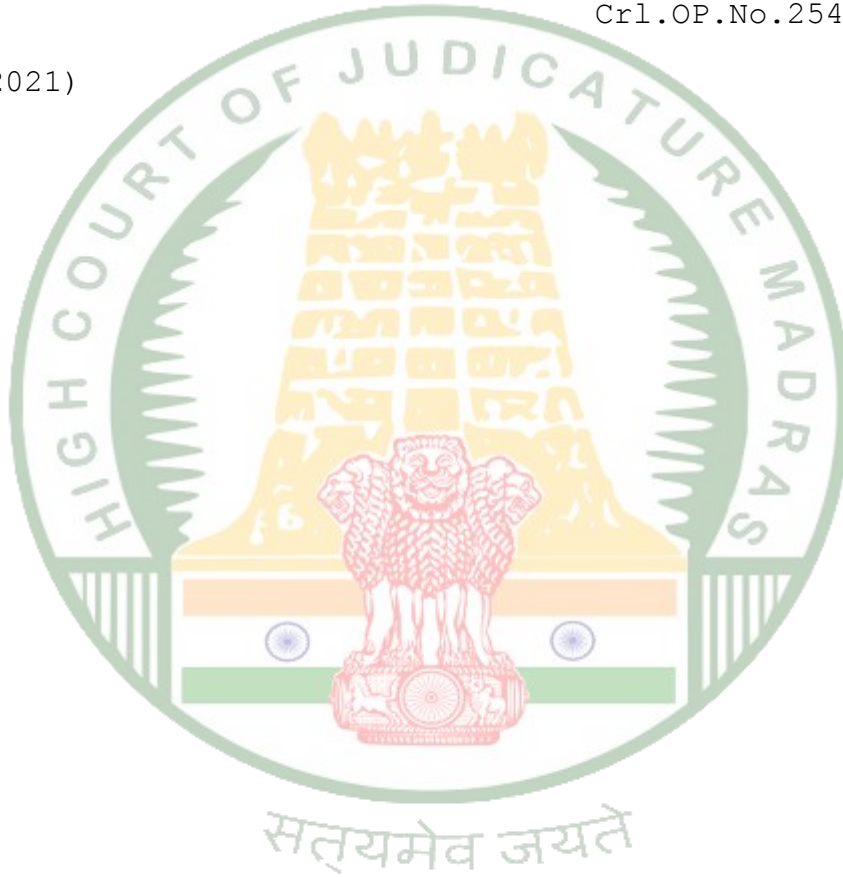
1.The Section Officer,
Criminal Section,
High Court, Madras-104.

2.The President Tamilnadu,
Advocate clerk Association,
Madras High Court, Chennai.

+lcc to M/s.Jerry V.V.Sundar, Advocate SR.13237

Cr1.OP.No.2542 of 2021

AAB(CO)
CB(18/03/2021)



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