

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.3386 OF 2021

S.Prakashraj

.. Petitioner/
Accused No.4

.Vs.

1.State by

The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.

2.Mohamed Arshath

.. Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to Cr.No.20/2021, pending on the file of the 1st respondent and quash the same insofar as the petitioner is concerned.

For Petitioners : Mr.M.Rakhi

For Respondents : Mr.C.Raghavan
Government Advocate
for R 1

Mr.A.Adhavan
for R 2

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.20 of 2021, 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 04.03.2021 has been filed by the 2nd respondent before this Court. The petitioner and the second respondent were also present before this Court and they were identified by Mr. Balakrishnan, Sub Inspector, Choolaimedu Police Station, Chennai. In the affidavit it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in Crime No.20 of 2021. 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 Gujarat), 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.20 of 2021, on the file of the 1st respondent Police.

5. This Criminal Original Petition stands allowed only insofar as the petitioner is concerned in Crime No.20 of 2021, on the file of the 1st respondent police, is quashed and the terms of affidavit shall form part and parcel of this order. It is made clear that the investigation shall proceed only insofar as the other accused persons are concerned and a final report shall be filed as expeditiously as possible. The petitioner shall pay a sum of Rs.1000/- (Rupees one thousand 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.

* Xerox copy of Affidavit of Mohamed Arshath enclosed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

KP

To

1.The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

Copy To

The President,
Tamil Nadu Advocates Clerk Association,
High Court, Madras-104.

+1cc to Mr.M.Rakhi, Advocate, S.R.No.13816

CRL.O.P.No.3386 of 2021

PL(CO)
CS/29/03/2021



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