



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2021

CORAM:

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.9729 of 2021

1. K.Muraliselvam
S/o.Krishnavel

2. K.Sathishkumar,
S/o.Krishnavel

...Petitioners

Versus

1. State Rep by
Inspector of Police
Tharamangalam Police Station,
Salem District.

2. K.Periyasamy,
S/o.Kasi

...Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in the case in Crime No.451 of 2020 registered under Sections 147, 148, 294(b), 324, 506 (ii) of IPC pending on the file of Tharamangalam Police Station, Salem and quash the same as against this petitioner.

For Petitioners : Mr.N.Elayaraja

For Respondents :

For R1 : Mr.Damodharan,

Counsel for Government of Tamil
Nadu (Crl. side)

ORDER

The Criminal Original Petition has been filed to call for the records and quash the Crime No.451 of 2020 on the file of the Inspector of Police, Tharamangalam Police Station, Salem District.

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. By order dated 03.06.2021, this Court directed the defacto complainant to produce the Aadhar Card for proof of identification, for which, an Additional Typed set of papers were filed, dated 04.06.2021 and the same is taken on record.

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4. Recording the same and the affidavit, dated 22.03.2021 has been filed by the second respondent/defacto complainant before this Court. The petitioner and the second respondent/defacto complainant were also present through Video conferencing. In the above said Affidavit, it has been stated that the petitioner and the second respondent/defacto complainant have entered into a compromise and amicably settled their issues in Crime No.451 of 2020. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending, even though, the offences involved are 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 Cr1 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.451 of 2020, on the file of the 1st respondent Police.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.451 of 2020, on the file of the 1st respondent police, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. [The petitioners shall pay a sum of Rs.1000/- (Rupees One Thousand only each) as costs, to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry)], 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 Copies enclosed)

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

klt/vv



To

1. The Inspector of Police
Tharamangalam Police Station,
Salem District.

2. The Public Prosecutor,
High Court, Madras.

3. The Section Officer
Accounts Section
High Court, Madras 104.

+1 Cc to Mr.N. Elayaraja, Advocate sr 27590.

Crl.O.P.No.9729 of 2021

GSM(CO)
SP(14/07/2021)