

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2021

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Cr1.O.P No.6813 of 2021

1.R.Senthilkumar
2.Senguttuvan
3.Karthick

... Petitioners /Accused 1 to 3

vs.

1.The Sub-Inspector of Police,
Thittakudi Police Station,
Cuddalore District.
(Crime No.219 of 2019)

... 1st Respondent/Complainant

2.R.Jayamani

...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.219 of 2019 on the file of the 1st respondent/Complainant to quash the same in view of the compromise entered into both parties.

For Petitioners: Mr.P.Muthamizh Selvakumar

For R1 : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to call for the records in Crime No.219 of 2019 on the file of the 1st respondent/Complainant to quash the same in view of the compromise entered into both parties.

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 30.03.2021 has been filed by the the petitioners and the second respondent/defacto complainant before this Court. The petitioners and the second respondent/defacto complainant were also present through Video conferencing and they were identified by Mr.Aasaithambi, Head Constable, Thittakudi Police Station, Cuddalore. In the affidavit it has been stated that the petitioners and the second respondent/defacto complainant have entered into a compromise and amicably settled their issues in Crime No.219 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 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.219 of 2019, on the file of the 1st respondent Police.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.219 of 2019, 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.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].

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ENCL: Xerox Copy of Joint Memo of compromise.

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To

1. The Sub-Inspector of Police,
Thittakudi Police Station,
Cuddalore District.

2. The Public Prosecutor,
High Court,
Madras.

3. The Sub Assistant Registrar,
Account Section,
High Court, Madras.

CrL.O.P No.6813 of 2021