



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.10289 of 2021

1. Sasikumar
2. Prem @ Premkumar
3. Panneer @ Panneer Selvam
4. Shanmugavel
5. Mari @ Vignesh @ Vigneshwaran
6. Vinoth Kumar
7. Joseph @ Joseph Rajamani
8. Lakshmanan
9. Murali

... Petitioners

Versus

1. The State represented by
Inspector of Police
T-10, Thirumullaivoyal Police Station
Thiruvallur,
Tamil Nadu.

2. G.Venkatesan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for record the F.I.R.No.56 of 2021 pending on the file of T-10, Thirumullaivoyal Police Station and quash the same.

For Petitioners : Mr.Sugumar
For Respondent : Mr.A.Damodaran for R1
Government Advocate (CrI.Side)

ORDER

This petition has been filed to call for record of the FIR No.56 of 2021, pending on the file of T-10, Thirumullaivoyal Police Station and quash the same.

2. The learned counsel for the petitioners has submitted that they are falsely implicated in this case. The first petitioner/Sasikumar Graduated in 2017 and due to unemployment, he is attending the Covid-19 corporation funeral work for the past two years; the second petitioner/Premkumar Graduated in



2014 and due to unemployment, he is attending Covid-19 Private Hospital Ambulance Driver work, for a year; the third petitioner/Panneer @ Panneer Selvam is a Under Graduate studying final year B.A. Economics-EM in Government Arts and Science College at Nandhanam; the fourth petitioner/Shanmugavel is working in a private company at Ambattur and he is one of the main source of income for his family; the fifth petitioner/Mari @ Vignesh @ Vigneshwaran is a Under Graduate studying II year Electronics & Comm.Engg. S.A. Polytechnic College at Thiruverkadu; the sixth petitioner/Vinothkumar is a daily cooly; the seventh petitioner/Joseph @ Joseph Rajamani Post Graduated from Government Arts and Science College at Amainthakarai, Chennai; the eighth petitioner/Lakshmanan has completed B.A. degree; and the ninth petitioner/Murali is doing own business of supplying construction materials and transportation. The petitioners 6 to 9 have got no previous case.

3.The learned Government Advocate (Crl.Side) has submitted that the petitioners 1 to 5 have got previous cases of serious in nature and to compound the offence would embolden the petitioners to commit further offence. The petitioners 6 to 9 have got no previous case.

4.The petitioners are first time graduates and continuation of the above case would only further lead them to the pathway of became habitual offenders and the chance of retrieving to the society and leading a new life would become impossible.

5.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.

6.A Joint Compromise Memo and affidavit dated 19.04.2021 and the affidavit of the petitioners dated 21.06.2021 have been filed before this Court. The petitioners and the 2nd respondent were present through Video conferencing. In the Joint Compromise Memo it has been stated that the 2nd respondent and the petitioners entered into a compromise and the issues settled amicably between them without any coercion and compulsion. This Court enquired both the parties who and was satisfied that the parties have come to an amicable settlement between themselves. The petitioners are graduate youngsters, who can concentrate to an betterment of future than attending and undergoing the rigor of criminal case.

7.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 Gujrath)," and after exercising due caution as advised by the Hon'ble Suprme 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.677 of 2019, on the file of the 1st respondent Police.

8.This Criminal Original Petition stands allowed and the investigation in Crime No.56 of 2021, on the file of the 1st respondent police is quashed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Thiruvallur,
Tamil Nadu.
2. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.10289 of 2021

PMK (CO)
PM(28/07/2021)