



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.10801 OF 2021

1. Devaprabhu
S/o, Ramar

2. Krishnamoorthy
S/o, Shanmugam

... Petitioners

Versus

1. The Inspector of Police,
E2 Peelamedu Police Station,
Coimbatore.

2. Murali,
S/o, Shridharan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the First Information Report in Crime No.924 of 2020 on the file of the Inspector of Police, E2, Peelamedu Police Station, Coimbatore.

For Petitioners : Mr.N.Baaskaran

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor

For R2 : R.Sathishkumar

ORDER

This Criminal Original Petition has been filed by the petitioners to call for the records and quash the First Information Report in Crime No.924 of 2020 on the file of the Inspector of Police, E2, Peelamedu Police Station, Coimbatore.



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 case of the prosecution is that petitioners' Fiber Net Company which is having back up generator for uninterrupted power supply. On 27.04.2020, the generator was put to switch on mode and the door was closed, thereafter, due to exhaustion of fume, smog entered into the victim's house and he had suffered suffocation and died. Hence the complaint.

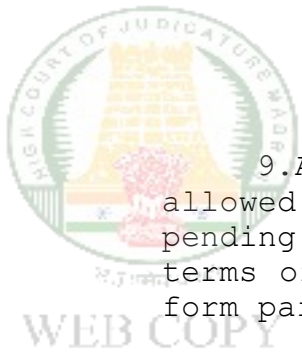
4.In the mean time, the defacto complainant and the petitioners had decided to resolve their differences between them and they have decided to enter into the compromise without any coercion. Therefore, they entered into a joint compromise and hence prayed this Court to acquit the petitioners from all the charges and all further proceedings in Crime No.924 of 2020, pending on the file of the first respondent police.

5.To that effect, the Memo of Understanding dated 02.04.2021 entered between the petitioners and the second respondent. The petitioners and the second respondent present through Video conferencing. In the said memo it has been stated that the petitioners have paid a sum of Rs.15,00,000/- to settle the issue and to close the FIR in Crime No.924 of 2020, pending on the file of the first respondent. They also submitted that "No Future" claim whatsoever against each other, for all purposes, with both parties concerned the FIR in Crime No.924 of 2020, can be quashed. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

6.The learned Additional Public Prosecutor appearing for the first respondent also confirms the same.

7.Under such circumstances, no useful purpose will be served in keeping the FIR 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 Cr1 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the FIR in Crime No.924 of 2020, pending on the file of the first respondent.

8.In view of the above said fact, this Court is inclined to allow this Criminal Original Petition.



9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.924 of 2020 pending on the file of the first respondent, is quashed on the terms of the Memo of Understanding dated 02.04.2021, which shall form part and parcel of this order.

* Herein Enclosed the Xerox Copy of the Memo of Understanding.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

mfa

To

1. The Inspector of Police,
E2 Peelamedu Police Station,
Coimbatore.
2. The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.N.Baaskaran, Advocate, S.R.No.65071

CRL.O.P.No.10801 of 2021

GSM(CO)
RLP(15/12/2021)