



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :15.07.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.11564 of 2021

1.Velmurugan

2.Sasikala

... Petitioners/
Accused A1 & A 2

.vs.

1.State rep.by
Inspector of Police,
Elavanasurkottai Police Station,
Villupuram.

1st Respondent/
Complainant

2.Pavadai @ Krishnamoorthi

..2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to Crime No.33 of 2021, on the file of the 1st respondent and quash the same.

For Petitioner : Mr.K.Kaviyarasu
For Respondents : Mr.E.Raj Thilak
Government Advocate (Crl.side)
for R 1
Mr.K.Vijayaragavan for R2

ORDER

This Criminal Original Petition is filed to quash the FIR in Crime No.33 of 2021, on the file of the 1st respondent police.

2.The case of the petitioners is that a complaint was given by the 2nd respondent/defacto complainant which was registered in Crime No.33 of 2021 dt.22.01.2021 for the alleged offense under Sections 294(b), 352, 355, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. On 15.01.2021 at about 8 a.m., when the 2nd respondent/defacto complainant and the village public were cleaning the street in order to conduct procession of Kali Temple. At that time, the 1st accused had stocked the sand in front of the 2nd respondent/defacto complainant's house and



the 2nd respondent/defacto complainant and village public asked them to clear it. Finally, both were abusing each others and beaten him. At that time, the 2nd respondent/ defacto complainant's daughter came to prevent it, both accused were pulled her nighty and pushed her to ground. Hence, the complaint was registered by the 1st respondent.

3.The learned counsel for the petitioners submitted that there was a quarrel between the petitioners and the defacto complainant during village festival. He further submitted that now both the parties have arrived at compromise out of the Court.

4.The learned counsel for the 2nd respondent submits that it is a wordy quarrel between them and now he is no more interested in pursuing with the complaint against the petitioners.

5.The learned Government Advocate (Crl. Side) appearing on behalf of the 1st respondent Police submitted that the dispute is between the petitioners and the 2nd respondent. He further submitted that the 2nd respondent had lodged a complaint before the 1st respondent and a case was registered in Crime No.33 of 2021. He submitted that they have arrived at a compromise out of the Court and hence the 2nd respondent did not want to proceed the present case.

6.The case is still in the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

7.Affidavit dt.02.07.2021, filed before this Court which is signed by the petitioners and the 2nd respondent/defacto complainant and also by their respective counsel. In the affidavit, it is stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in Crime No.33 of 2021. All the parties were appeared before this Court through Video Conferencing and also enquired both the parties and was satisfied that the parties have come to an amicable settlement.

8.Under such circumstances, no useful purpose will be served in keeping the case 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 Crl 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the FIR in Crime No.33 of 2021, pending on the file of the Inspector of Police, Elavanasurkottai Police Station, Villupuram.



9.This Criminal Original Petition stands allowed and as a sequel, the FIR in Crime No.33 of 2021, pending on the file of the 1st respondent police, is quashed and the terms of affidavit shall form part and parcel of this order.

*Herein enclosed the xerox copy of affidavit

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

kp

To

1.The Inspector of Police,
Elavanasurkottai Police Station,
Villupuram.

2.The Public Prosecutor,
High Court, Chennai.

+1cc to Mr.K.Kaviarasu, Advocate SR.No. 34234

CRL.O.P.No.11564 of 2021

A.SK(16.08.2021)