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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.12365 of 2021

Bharath

... Petitioner

Vs.

1. The Inspector of Police,
H-5, New Washermenpet Police Station,
Tondiarpet,
Chennai - 600 081.

2. Ryan Michael Dixon

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to Crime No.484 of 2021 pending on the file of the first respondent and quash the same.

For Petitioner : Mr.R.Jayaprakash

For R1 : Mr.A.Damodaran
Government Advocate (Crl. Side)

For R2 : Mr.B.Siddeswaran

O R D E R

The Criminal Original Petition filed to call for the records pertaining to Crime No.484 of 2021 pending on the file of the first respondent and quash the same.

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.This gist of the case is that on 20.05.2021 at 05.00 p.m. the second respondent had dropped his wife in a private hospital at Purasaiwalkam, where she has been working as a Nurse and returned towards home, thereafter due to rain the second



respondent had stopped his vehicle in front of one shop at Indhira Nagar and at 05.00 p.m. the petitioner came to that place without his uniform, who is a Policeman had used filthy language. When the second respondent had questioned the same, the petitioner had beaten him and he suffered simple injury. Hence the second respondent had lodged a complaint and FIR came to be registered in Crime No.484 of 2021 for the offences under Section 294(b) and 323 IPC.

4. In the mean time, during the pendency of the above case, an amicable settlement was reached between the petitioner and the de-facto complainant/second respondent and all the disputes between them got mutually resolved. Based on the settlement arrived between the parties concerned, the defacto complainant/second respondent has decided to withdraw the complaint in Crime No.484 of 2021 on the file of the first respondent.

5. To that effect, the defacto complainant/second respondent has filed an affidavit before this Court on 23.07.2021. The petitioner and the defacto complainant/second respondent were also present through Video conferencing. In the said affidavit it has been stated that the petitioner and the defacto complainant/second respondent have entered into a compromise and amicably settled their issues in Crime No.484 of 2021 and he has no objection for quashing the FIR against the petitioner. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

6. The learned Government Advocate (Crl. Side) appearing for the first respondent also confirms the same.

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 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 First Information Report in Crime No.484 of 2021, on the file of the 1st respondent Police.

8. It is seen from the records that the disputes between the petitioner and the defacto complainant/second respondent had been resolved amicably between the parties. In view of the above facts, 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.484 of 2021, on the file of the first respondent is quashed as against the petitioner on the terms of affidavit filed by the defacto complainant/second respondent, which shall form part and parcel of this order.

Sd/-
Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar

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To:

1. The Inspector of Police,
H-5, New Washermenpet Police Station,
Tondiarpet,
Chennai - 600 081.
2. The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.R.Jayaprakash, Advocate, S.R.No.36636

Cr1.O.P.No.12365 of 2021

PCH (CO)
SU(16/08/2021)