



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.Nos.12129 & 12150 of 2021

Cr1.O.P.No.12129 of 2021

R.S.Sathish

...Petitioner

Vs.

1.State rep. by
The Inspector of Police,
T14, Mangadu Police Station,
Mangadu, Chennai.

2.Geetha

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in T14 Mangadu Police Station T 14 Cr.No.141/2021 U/s. 341, 294 (b) and 506(i) pending investigation on the file of the first respondent herein and quash the proceedings in so far as they related to the petitioner.

For Petitioners : Ms.S.Sarala

For R1 : Mr.A.Damodaran
Government Advocate (Cr1. Side)

For R2 : Mr.M.Rajavelu

Cr1.O.P.No.12150 of 2021

1.N.Karthick

2.Anand



3.Sathish

4.R.Arumugam

...Petitioners

Vs.

WEB COPY

1.State rep. by

The Inspector of Police,
T14, Mangadu Police Station,
Mangadu, Chennai.

2.R.S.Sathish

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in T14 Mangadu Police Station T14 Cr.No.139/2021 U/s. 448, 427, 341, 323, 385, 363 and 506(i) pending investigation on the file of the first respondent herein and quash the proceedings in so far as they related to the petitioners.

For Petitioners : Mr.M.Rajavelu

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

For R2 : MS.S.Sarala

C O M M O N O R D E R

The Criminal Original Petition in Cr1.O.P.No.12129 of 2021 is filed to call for the entire records in T14 Mangadu Police Station T 14 Cr.No.141/2021 U/s. 341, 294 (b) and 506(i) pending investigation on the file of the first respondent and quash the proceedings in so far as they related to the petitioner.

2.The Criminal Original Petition in Cr1.O.P.No.12150 of 2021 is filed to call for the entire records in T14 Mangadu Police Station T 14 Cr.No.139/2021 U/s. 448, 427, 341, 323, 385, 363 and 506(i) pending investigation on the file of the first respondent and quash the proceedings in so far as they related to the petitioners.



3.The above said cases are 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.

4.The gist of the case is that on 22.03.2021, when the defacto complainant viz., Geetha went to the house of her husband's brother viz., Mohan to claim the amount cheated by the said Mohan and his wife Anitha. At that time, R.S.Sathish was present there and he scolded Geetha, who is the complainant in CrI.O.P.No.12129 of 2021 that he has bought the house and threatened her.

5.The parties herein are close relatives. Due to misunderstanding between them a counter case was also given by R.S.Sathish against one Arumugam and three others. The above said Arumugam is the husband of the defacto complainant in CrI.O.P.No.12129 of 2021 and a case has been registered in Cr.No.139 of 2021 on the file of the first respondent police T 14 Mangadu Police Station in Cr.No.139 of 2021 under Sections 448, 427, 341, 323, 385, 363 and 506(i) IPC.

6.The said Arumugam and others had also filed a quash petition on the grounds of compromise, since they are close relatives and due to misunderstandings between them, the above said complaint has been lodged. They had discussions and have found solutions to resolve the issues between them and they have decided not to litigate or precipitate these matters and have come to an amicable solution. They have good relationship with each other and they have decided to compromise the matter and array for an amicable settlement.

7.To that effect, affidavits have been filed by R.S.Sathish and Geetha in both the cases before this Court. The above said R.S.Sathish and Geetha physically present before this Court and they were identified by Mr.R.Manivannan, Constable, T14 Mangadu Police Station, Chennai. In the said affidavits it have been stated that the matters have been settled between the parties. It was agreed between them that in order to have peace they have decided not to pursue in the above matters and precipitate the issues. They have decided to have an amicable compromise and they have executed the above said affidavits to



WEB COPY

give consent for the quashment of proceedings to be filed by the petitioners in both the cases in Cr.Nos.139 and 141 of 2021 respectively, pending investigation on the file of the first respondent.

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

9.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 Crl 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime Nos.139 & 141 of 2021, on the file of the 1st respondent Police.

10.It is seen from the records that the dispute between the parties is a family issue. Based on the above said fact, this Court is inclined to allow these Criminal Original Petitions.

11.Accordingly, these Criminal Original Petitions stand allowed and as a sequel, the proceedings in Crime Nos.139 & 141 of 2021, on the file of the first respondent police, are quashed against the petitioners in the above cases on the terms of the affidavits, which shall form part and parcel of this order.

Encl.: Xerox Copy of Affidavit

Sd/-
Assistant Registrar (CS-V)

// True Copy //

Sub Assistant Registrar

ah



To

1.The Inspector of Police,
T14, Mangadu Police Station,
Mangadu, Chennai.

2.The Public Prosecutor,
High Court, Madras.

+6ccs to Mr.M.Rajavelu, Advocate SR.No.38973, 38653

+3ccs to Ms.S.Sarala, Advocate SR.No.38974, 38652

Cr1.O.P.Nos.12129 & 12150 of 2021

PCH(CO)
RVM(27/09/2021)