



CRL.O.P.No.17983 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.17983 of 2021

1.S.Kannan

2.S.Anthony

3.K.Tamilarasan

4.S.Karuna

...

Petitioners

Versus

1.The State

Represented by Sub-Inspector of Police,
C-1, Sriperumbudur Police Station,
Kancheepuram District.

2.K.Kamesh

...

Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to Crime No.2128 of 2020 pending on the file of the C1 Sriperumbudur Police Station, Kancheepuram District and quash the same.

For Petitioners : Mr.S.T.M.Mano

For Respondent : Mr.A.Damodaran,
No.1 Additional Public Prosecutor

For Respondent : Mr.P.Vignesh Kumar
No.2



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ORDER

This Criminal Original Petition has been filed to to call for the reccords pertaining to Crime No.2128 of 2020 pending on the file of the C1 Sriperumbudur Police Station, Kancheepuram District and quash the same.

2.The case of the prosecution is that the dispute between the defacto complainant and the mother of the petitioners, for which, the petitioners assaulted the defacto complainant by using their legs and hands, that the accused viz., Tamilarasan assaulted him on his head by using a wooden log and the accused viz., Anthony attempted to assault him by using a knife. As such, these petitioners used hands and legs for assaulting the defcto complainant. Apart from that the 2nd petitioner viz., Anthony made an attempt to assault the defacto complainant by using the knife and subsequently, intimidated him as to cause his death. Therefore, the defacto complainant lodged a complaint before the first respondent police and on receipt of the same, the first respondent police registered a complaint in Crime No.2128 of 2020 for offences under Sections 294(b),



3.Further, the petitioners are granted bail in Crl.M.P.No.1270 of 2020 on 27.07.2020 by the District and Sessions Court No.II, Kancheepuram. After that, the petitioners filed Crl.O.P.No.13828 of 2020 before this Court and this Court by an order dated 07.09.2020 dismissed the same. Again, the petitioners have filed this criminal original petition.

4.The learned counsel for the petitioners submitted that Now, the petitioners and the 2nd respondent defacto complainant have entered into a compromise and amicably settled their issues without coercion, threat or compulsion. Hence, the petitioners have filed this petition to quash the crime No.2128 of 2020.

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.



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6.The memorandum of compromise dated 13.07.2021 and an affidavit of the defacto complainant viz., Kamesh dated 13.07.2021 have been filed by the petitioners and the 2nd respondent/defacto complainant. In the memorandum of compromise and affidavit, it is stated that since the petitioners and the defacto complainant are relatives, the 2nd respondent/defacto complainant is not wish to continue the criminal proceedings against the petitioners. They appeared before this Court and this Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

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 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



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Section 482 Cr.P.C., quashes the First Information Report in Crime No.2128 of 2020, on the file of the 1st respondent Police.

8.This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.2128 of 2020, on the file of the 1st respondent police, is quashed against the petitioners.

Index: Yes/No
Internet: Yes/No
sms

28.10.2021

To

1.The State
Represented by Sub-Inspector of Police,
C-1, Sriperumbudur Police Station,
Kancheepuram District.

2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

sms

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