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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.13579 of 2021

1.M.Suresh Kumar

2.M.Hemanth Kumar

...Petitioners/A1 & A2

Vs.

1.State By

The Inspector of Police,
H-4, Korukkupet Police Station,
Chennai,
[Crime No.4946 of 2020]

...Respondent/Complainant

2.Prabhukumar

...Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the entire records connected with the FIR in Crime No.4946 of 2020 on the file of the first respondent police herein and quash the same.

For Petitioners : Mr.K.Kannan

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

O R D E R

This Criminal Original Petition is filed to call for the entire records connected with the FIR in Crime No.4946 of 2020 on the file of the first respondent police herein 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.The contention of the petitioners is that on 14.11.2020 at about 10.50 p.m., when the second respondent herein came out from his house to cover his vehicle, he saw a wordy quarrel occurred between two persons, abused him in filthy language and



started to attack him. When the second respondent started to shout, the said persons escaped from the place. Thereafter, when the second respondent was talking with his brother and mother in front of his house, the said persons along with 10 other persons again came to the said place, abused the second respondent, beaten him and threatened him with dire consequences and damaged his property. Based on the said complaint of the second respondent herein, FIR in Crime No.4946 of 2020 dated 16.11.2020 came to be registered by the first respondent for the offence under Sections 147, 148, 323, 294(b) 341, 427 and 506 (ii) IPC against the petitioners and ten other persons.

4. In the mean time, the defacto complainant and the petitioners had entered into an amicable settlement and decided to file this quash petition to quash the FIR on the file of the first respondent police.

5. To that effect, the second respondent/defacto complainant had filed an affidavit of compromise. The petitioners and the second respondent present through Video conferencing and the respondent police identified them. In the said affidavit it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in Crime No.4946 of 2020. This Court 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 Cr1 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.4946 of 2020, on the file of the 1st respondent Police.

8. Based on 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.4946 of



2020, on the file of the first respondent police, is quashed on the terms of the affidavit filed by the second respondent/defacto complainant, which shall form part and parcel of this order.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
H-4, Korukkupet Police Station,
Chennai,
2. The Public Prosecutor,
High Court, Madras.

+2ccs to M/s.K.Kannan, Advocate, Sr.40970

Cr1.O.P.No.13579 of 2021

PMK[co]
NSK 02/09/2021