



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.12976 of 2021

1.Udayadeepan
2.Raghuldharan
3.Mahesh Kumar
4.Muthukumar
5.Vigneshwaran

... Petitioners

Versus

1.The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District.
Cr.No.31/2020.

2.Balaji

...Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to FIR in Crime No.31/2020 on the file of the 1st respondent and quash the same.

For Petitioners : Mr.T.Muruganantham

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

ORDER

This petition has been filed to call for the records relating to FIR in Crime No.31/2020 on the file of the 1st respondent and quash the same.

2.The case of the prosecution is that the petitioners were 3rd year students and the second respondent was a fourth year student of B.E. Aeronautical Engineering, S.N.College of Engineering, Coimbatore. On 14.02.2020, cultural festival was going on in the college and lunch was arranged.



There was a queue formed to get food, the petitioners did not follow the queue and they attempted to get the food out of turn. In this regard, a wordy quarrel arose, due to which, the petitioners alleged to have attacked the second respondent defacto complainant. On the complaint given by the second respondent, the first respondent registered a case in Cr.No.31 of 2020 under Sections 147, 148, 294 (b), 323, 324 and 506 (2) of IPC against the petitioners.

3.The learned counsel for the petitioners submitted that after the occurrence, the college had conducted an enquiry and both the parties attended the enquiry. The Principal of the College advised the petitioners to realize their mistakes their responsibility to their parents and to the society. The petitioners, as well as the second respondent defacto complainant, both felt that they should have maintained certain amount of restraint in the function. He further submitted that the pendency of the case against the petitioners have created many problems to their future, in getting passport and jobs. Hence, the petitioners had invited discussion with the second respondent for compromise, the above case and file a quash petition before this Court. The second respondent readily agreed to co-operate for the quashment of the above case and undertook to file necessary affidavits before this Court in order to quash the case against them. Hence, the petitioners have filed this petition to quash the FIR in Cr.No.31 of 2020.

4.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.

5. The Affidavits dated 29.09.2021 and 20.03.2020 are filed by the petitioners and the second respondent de-facto complainant respectively before this Court. The petitioners and the second respondent defacto complainant are present through Video conferencing. In the affidavits, it is stated that the petitioners and the second respondent defacto complainant have entered into a compromise and amicably settled their issues in Cr.No. 31 of 2020. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

6. 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 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 Cr1 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the case in Cr.No. 31 of 2020, pending on the file of the first respondent.

7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Cr.No.31 of 2020, pending on the file of the first respondent, is quashed and the terms of affidavits shall form part and parcel of this order.

*Xerox copy of the Affidavits dated 29.09.2021 and 20.03.2020 is enclosed.

Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

drm/sms

To

1.The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District.

2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.12976 of 2021

BP(CO)

CB(01/12/2021)