



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.14378 OF 2021

1. A. Sham

2. R. Karan

3. S.Nikshan

... Petitioners/
Accused

Versus

1. State represented by,
Inspector of Police,
G-3 Kilpauk L & O Police Station,
Chennai 600 031.

2. S.Arulselvan

... Respondents/
Defacto Complainant

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in respect of the case registered in FIR No.174 of 2018 on the file of G-3 Kilpauk Law and Order Police Station, Chennai and and quash the same .

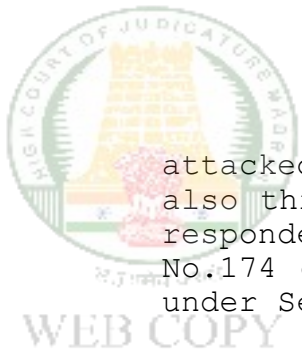
For Petitioner : Mr.D. Sugumar

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

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.174 of 2018, dated 11.04.2018 on the file of the 1st respondent Police.

2. The case of the prosecution is that when the petitioners and the defacto complainant were studying in Dr.Ambedkar Government Law college, on 11.04.2018, due to previous enmity, the petitioners said to have waylaid the defacto complainant,



attacked him by using helmet, thereby caused injuries to him and also threatened him. Hence, he lodged a complaint before the 1st respondent police. On receipt of the same, a case in Crime No.174 of 2018 was registered on the same day for the offences under Sections 341, 324 and 506(i) of IPC.

3.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.

4. The petitioners and the 2nd respondent/defacto complainant have filed a joint compromise memo, dated 26.07.2021 and also filed affidavit to that effect. The petitioners and the 2nd respondent are present through Video conferencing. In the joint compromise memo, it is stated that in the interest of protecting the life of both the parties and their futures, compromise has been evolved between both the defacto complainant and the accused persons, and the defacto complainant is not inclined to proceed with the investigation further. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5.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 Cr1 10), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No.174 of 2018, on the file of the 1st respondent Police.

6.This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.174 of 2018, on the file of the 1st respondent police, is quashed against the petitioners.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mrp

*Xerox copy of joint compromise memo is enclosed.



To

1. The Inspector of Police,
G-3 Kilpauk L & O Police Station,
Chennai 600 031.

2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.14378of 2021

NR (CO)
PM/28/10/2021