



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.15438 OF 2021

Sankar ... Petitioner/Accused
Versus

1.State Rep by:-
The Inspector of Police,
S-8, Adambakkam Police Station,
Chennai.

2.Agustin ... Respondents/
Complainant/De facto Complainant

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.34 of 2021 on the file of the 1st respondent Police and quash the same.

For Petitioner : Mr.R.Muthukumar

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

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.34 of 2021, dated 13.02.2021 on the file of the 1st respondent Police.

2.The case of the prosecution is that on 10.02.2021, the 2nd respondent and his children had gone to nearby park for playing. At that time, the petitioner and his daughter came to the park and when the petitioner's daughter passed urine in the pathway, the 2nd respondent asked the petitioner's daughter to use toilet. Annoyed over the same, the petitioner assaulted the 2nd respondent and also abused him with filthy language. Thereafter, the 2nd respondent lodged a complaint to the 1st respondent Police. On receipt of the same, a case in Crime No.34 of 2021 was registered for offence under Sections 341, 294 (b), 323 and 506(i).



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 affidavit of the petitioner as well as the 2nd respondent have been filed before this Court. The petitioners and the 2nd respondent are present through Video conferencing. 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 Crl 10), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No.34 of 2021, on the file of the 1st respondent Police.

6.This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.34 of 2021, on the file of the 1st respondent police, is quashed against the petitioner.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
S-8, Adambakkam Police Station, Chennai.

2.The Public Prosecutor, High Court, Madras.

+1cc to Mr.R.Muthukumar, Advocate, S.R.No.46684

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AD(CO)
PM/01/11/2021