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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.15038 of 2021

1.Nithyananth

2.Sathish Kumar

3.Uthayasingh

4.Dinesh

5.Ramesh Pandian

... Petitioners

Vs.

1.The State rep. by

The Inspector of Police,
Vadavalli Police Station,
Coimbatore.
Cr.No.287/2013

2.Rajendran

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to FIR in Crime No.287/2013 on the file of the 1st respondent and quash the same against the petitioners.

For Petitioners : Mr.M.Rajkumar
for M/s.T.Muruganantham

For R1 : Mr.A.Damodaran
Additional Public Prosecutor

O R D E R

This Criminal Original Petition is filed to call for the records relating to FIR in Crime No.287/2013 on the file of the 1st respondent and quash the same against the petitioners.

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 petitioners are A1 to A5 in Crime No.287 of 2013 came to be registered for offence under Sections 147, 148, 323, 323 and 506(ii) of IPC r/w 3(1) of TNPPDL Act have filed this quash petition.

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4.The gist of the complaint is that the defacto complainant/Rajendran on 25.07.2013, at about 09.45 p.m. was standing near Mahalakshmi Bakery, Vadavalli, Thondamuthur Road Junction, at that time one Kumarasamy was walking by from East to West. A green colour Honda bike, dashed against the said Kumarasamy. The defacto complainant as well as the auto driver Murali, who had gone there and taken him to the hospital, at that time, the person, who came in the motor bike objected and questioned them for taking the injured to the hospital, before any compromise talk between them, for that the accused abused, attacked the defacto complainant and the said Auto driver Murali with a stick and caused injuries, and damaged the Auto of Murali. Thereafter defacto complainant got admitted in the hospital, from the hospital information given to the police and the respondent police received the complaint.

5.The contention of the petitioners is that during the relevant period the petitioners were studying at Coimbatore Law College and they were proceeding in their two wheeler, at that time the said Kumarasamy had come across the vehicle and he sustained injury. The defacto complainant and the Auto Driver Murali took the said Kumarasamy injured person to the hospital. At that time, the petitioners arrived there questioned the defacto complainant and the Auto Driver motive to take the injured person to the hospital even before any compromise talk, hence quarrel arose between them. There was exchange of words. Further, when Kumarasamy himself was willing to compromise, it was the defacto complainant who aggravated the situation by picking up the quarrel, which lead to exchange of blows. The petitioners were in an emotional mood.

6.The petitioners are resident of places in and around Madurai, they are total strangers to the area. For the purpose of studying Law they had come to Coimbatore, at that time, the incident had taken place. The petitioners name in detail is found place in the complaint which is a questionable one. The petitioners have completed their Law Degree now and they are in the verge of getting Enrolled as Advocates in the Bar Council of Tamil Nadu. Due to the pendency of the above First Information Report, they are unable to get enrolled themselves. The entire incident had taken place when they just joined college. Now they completed their Law Course and they got their Degree,



either before or after the road accident fight, they have not come in any adverse notice. They produced the affidavits of the accused persons as well as the defacto complainant and the Auto Driver Murali, confirming the compromise entered between them.

7.The learned Additional Public Prosecutor submits that the occurrence had taken place on 25.07.2013, after the occurrence First Information Report came to be registered and investigation is still in progress, the final report is yet to be filed in this case. The petitioners are Law College Students, who picked up a quarrel with one Kumarasamy and thereafter with the defacto complainant and the Auto Driver Murali who attempted to solve the issue, but a wordy quarrel arose with the defacto complainant and Auto Driver Murali by the petitioners. Since the petitioners are from Madurai and their language dialect was not properly understood and taken as offensive, which ensued into exchange of blows. After the said incident, now the petitioners and the defacto complainant and the said Auto Driver Murali entered into a compromise. Taking into consideration that the petitioners, Law College Students at that time who were in an emotional mood, exchanged blows, now all have completed their Degree, are at the verge of starting their career, which is getting delayed due to the pendency of the above case and after the incident there have been no other instance of any fight or commotion against each other.

8.The accused as well as the defacto complainant and the injured and the Auto Driver Murali appeared before this Court and their identities, confirmed. The respondent police confirmed that other than this case, the petitioners not involved in any other case.

9.Considering that the petitioners are at the initial stage of their College life at Coimbatore and the petitioners hailing from places in and around Madurai, due to the difference in dialect and tone, as that of Coimbatore, it was misconstrued as offensive and wordy quarrel arose followed with exchange of blows. Both of them now realised the ground situation and reality and also considering future prospects and career have compromised the issues between them. To this effect they have filed the affidavits.

10.Under such circumstances, no useful purpose will be served in keeping the FIR 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 FIR in Crime No.287 of 2013, pending on the file of the first respondent.

11.In view of the above said fact, this Court is inclined to allow this Criminal Original Petition.

12.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.287 of 2013, pending on the file of the first respondent, is quashed on the terms of the affidavit filed by the petitioners, second respondent and the Auto Driver Murali, which shall form part and parcel of this order.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ENCL: Xerox Copy of Affidavit filed by the
Petitioners, Second Respondent and
the Auto Driver Murali.

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To

1.The Inspector of Police,
Vadavalli Police Station,
Coimbatore.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Muruganatham, Advocate SR.No.57981

Cr1.O.P.No.15038 of 2021

PMK(CO)
GN(01/12/2021)