



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15809 of 2021

1.K.Thanigaimalai

2.A.Balasubramaniyan

... Petitioners

Vs.

1. The State represented by
The Inspector of Police,
J-12, Kanathur Police Station,
Adyar,
Chennai District.
(Crime No.179 of 2019)

2.Karthick

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining FIR in Crime No.179 of 2019 pending on the file of the J-12, Kanathur Police Station, Chennai and quash the same by allowing this Criminal Original Petition.

For Petitioners : Mr.M.Guruprasad

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

O R D E R

This Criminal Original Petition is filed to call for the records pertaining FIR in Crime No.179 of 2019 pending on the file of the J-12, Kanathur Police Station, Chennai and quash the same by allowing this Criminal Original Petition.

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 gist of the case is that on 16.05.2019, the defacto complainant along with his friend one Yaswanth were hanging out in the beach in their tent. Petitioners stopped the vehicle at the corner of the road and went near the tent and enquired to ascertain their purpose of stay in the night time. The petitioners came to know that the second respondent is a resident of Thiruvananthapuram and he is a mountaineer and cricket coach by profession and the said Yaswanth is a resident of Sathyamangalam and he is an IT employee working in Bangalore. It is alleged that the petitioners threatened the second respondent and his friend on the pretext of taking them to police station, took a sum of Rs.2,000/- from the defacto complainant. Hence, the second respondent had given a complaint before the first respondent police. Based on the complaint, the first respondent police registered a case against the petitioners for the alleged offences punishable under Section 385 in Crime No.179 of 2019. In the mean time, the defacto complainant and the petitioners had decided to resolve their differences and arrive at a compromise.

4.To that effect, Joint Memo of Compromise dated 13.08.2021 have been filed by the petitioners/accused and the second respondent/defacto complainant before this Court on 16.08.2021. The petitioners and the second respondent were present through Video conferencing. In the said joint memo it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in Crime No.179 of 2019 on the file of the first respondent. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

5.The learned Government Advocate (Crl. Side) appearing for the first respondent also confirms the same.

6.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 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 CrL 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the FIR in Crime No.179 of 2019 on the file of the first respondent.

7.This case came to be registered since news item published in Tamil Daily. Following the registration of case departmental action taken against the petitioners. During that enquiry, the second respondent appeared and stated no money was demanded and handed over, further it was at dark the incident happened and



hence he was not certain about the happenings. The same he had reiterated during Human Rights Commission Enquiry. Today again he reiterates the same. Further the second respondent along with his friend were present in an isolated beach at late hours, the place was prone for anti-social activities, hence they were warned and asked to move out, which seems to be blown out of proportion. In view of the above said fact, this Court is inclined to allow this Criminal Original Petition.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in FIR in Crime No.179 of 2019 on the file of the first respondent, is quashed on the terms of the Joint Memo of Compromise, which shall form part and parcel of this order.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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* Xerox of Compromise memo enclosed

To

1.The Inspector of Police,
J-12, Kanathur Police Station,
Adyar, Chennai District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Guruprasad, Advocate Sr No.46545

Cr1.O.P.No.15809 of 2021

RSV (CO)

PR (30/09/2021)