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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.15040 of 2021

1.Surya @ Prema

2.Chithra @ Vijayachithra

3.Thulasi

...Petitioners

Versus

1.State represented by,
Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.

2.John

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the First Information Report in Crime No.1322 of 2018 pending investigation on the file of the first respondent police, quash the same based on the compromise arrived at between the petitioners and the 2nd respondent/defacto complainant.

For Petitioner : Mr. K. Kannnan,
for Mr. A.Balamurugan

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

: Mr. J.Prakash,
for R2

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.1322 of 2018, dated 23.12.2018 on the file of the 1st respondent Police.

2. The case of the prosecution is that on 23.12.2018, one Naresh, who is no more, along with others abused the defacto



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complainant's wife in a drunken state. When the defacto complainant questioned the same, the petitioner along with other accused abused the defacto complainant in filthy language, attacked him with wooden log and threatened him with dire consequences. Hence, he lodged a complaint before the 1st respondent police. On receipt of the same, a case in Crime No.1322 of 2018 was registered on the same day for the offences under Sections 147, 148, 294(b), 341, 324 and 506(ii) 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 compromised the dispute amicably among themselves.

4. The defacto complainant have filed an affidavit of compromise, dated 16.08.2021 to that effect. The petitioners and the 2nd respondent are present through Video conferencing. In the joint affidavit of compromise, it is stated that the petitioners and the defacto complainant are neighbours and they decided to settle the issue between them amicably, now compromised 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.1322 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.1322 of 2018, on the file of the 1st respondent police, is quashed as against the petitioners.

Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

mrp



To

1. Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Balamurugan, Advocate SR.No.43888

CRL.O.P.No.15040 of 2021

AJS(CO)
RVM(29/09/2021)