

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.15606 of 2021

1. Mohan
2. Subramani @ Subbudu
3. Rajesh
4. Manoj Prabakaran ... Petitioners/Accused 1 to 4

Versus

1. The Inspector of Police
G-7, Chetpet Police Station
Chennai.
2. Nandakumar ... Respondents/Complainant/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned FIR registered in Crime No.236 of 2018 on the file of the Inspector of Police, G-7, Chetpet Police Station, Chennai and quash the same against the petitioners.

For Petitioners : Mr.R.Senthilkumar
For Respondents : Mr.Raj Thilak for R1
Additional Public Prosecutor

O R D E R

This petition has been filed to call for the records pertaining to the impugned FIR registered in Crime No.236 of 2018 on the file of the Inspector of Police, G-7, Chetpet Police Station, Chennai and quash the same against the petitioners.

2. The petitioners/accused 1 to 4 in Crime No.236 of 2018 for the offence under Sections 341, 294(b), 323, 397 and 506(ii) IPC, have filed this quash application.

3. The gist of the complaint is that the defacto complainant was employed as mechanic in Kawasaki Show Room, Pachaiyappan College. During the year 2016, at Kandhan Street near a xerox shop one Vinoth was assaulted. The petitioners herein had caused doubt that the defacto complainant was passing information. The petitioners are friends of Vinoth who had taken up a quarrel with the defacto complainant. On 08.05.2018 at about 10.00 p.m., the petitioners intercepted the defacto complainant, abused him using filthy language and shouted that he had escaped during the year 2016 incident at that time they should have finished him. Thereafter, the defacto complainant was assaulted by the accused on his lips. The defacto complainant got injured on his ring finger also. When the defacto complainant fell down, the accused placed a knife on the defacto complainant's neck and took away Rs.800/- from his pocket. Thereafter, they all ran away from the scene. Hence, the complaint lodged.

4. The contention of the petitioners is that the first petitioner completed B.A., English in Madras University in the year of 2009, subsequently, the first petitioner joined LLB course in Yogi Vemana University, Kadapa, Andrapradesh and completed his course in the year 2013 with keen interest in the profession of law. Now, due to the pendency of the above case, he is unable to be enrolled. The petitioners are residing in the same locality and know each other well. The defacto complainant had lodged a false complaint due to some political pressure in the locality. The petitioners are no way connected with the alleged incident. Now, the defacto complainant realized the truth and further the defacto complainant hails from the same locality, who made enquiry confirmed the same. He had also produced compromise memo.

5. The learned Additional Public Prosecutor submits that on the complaint of the respondent, the case came to be registered on the directions of this Court. The antecedents of the petitioners were verified. Except the above case, they are not involved in any other case. He further submitted that investigation is still pending. The identity of the petitioners and the defacto complainant were verified and confirmed.

6. Considering the submission and on perusal of materials and also the affidavit filed by the petitioners and the defacto complainant, it is seen that all hail from the same locality having similar social background no animosity presently between them. Hence on considering the future of the petitioners, this Court is inclined to quash the FIR based on the compromise arrived between the parties.

7. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending. Even though, the offence involved is 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), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., inclined to quash the First Information Report in Crime No.236 of 2018.

8. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.236 of 2018, on the file of the 1st respondent police, is quashed and the terms of Joint Compromise Memo shall form part and parcel of this order.

* Herein enclosed the Xerox Copy of the Joint Compromise Affidavit.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Inspector of Police,
G-7, Chetpet Police Station,
Chennai.
2. The Public Prosecutor
High Court, Madras.

CrI.O.P.No.15606 of 2021

SR(CO)
SU(19/01/2022)