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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.17509 of 2021

1.Sasikumar

2.Premkumar

3.Rajan

4.Sathish

5.Arumugam

6.Saravanan

7.A.Joseph Rajamani

... Petitioners / Accused

Versus

1.The Inspector of Police,

T-10 Thirumullaivoyal Police Station,

Thirumullaivoyal, Thiruvallur,

Tamil Nadu- 600 077.

.. 1st Respondent / Complainant

2.Kumar

... 2nd Respondent / Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the record in FIR.No. 515 of 2018 on the file of the T-10, Thirumullaivoyal Police Station, Tiruvallur- 600 077 and quash the same.

For Petitioners : Mr.B.Elakkiya

For Respondent : Mr.A.Damodaran

No.1

Additional Public Prosecutor.

For Respondent : Mr.Sugumar

No.2

(E.No.4685/2019.)

ORDER

This petition has been filed to call for the record in FIR.No. 515 of 2018 and quash the same.



2. The case of the prosecution is that the 2nd respondent, who is the defacto complainant herein, is an auto driver. The 2nd respondent's relative one Dhamodaran is also an auto driver and residing in the upper floor portion of the same building, where, the defacto complainant is residing. On 26.04.2018, around 12.10.pm, when the defacto complainant was sleeping in his house, the first petitioner along with his brother, who is the 2nd petitioner and five persons knocked the door and woke the second respondent and questioned the whereabouts of his sister's son Winson Paulraj, since he picked up wordy quarrel with the friend of the first petitioner viz., Ravikumar regarding handing over the cellphone belonging to Ravikumar and when the defacto complainant tried to get inside informing that the matter can be pacified the next day, the first petitioner along with other petitioners attacked the defacto complainant with the weapon, on hearing the alarm of the defacto complainant, the said Dhamodaran came to his help, the petitioners attacked him with knife. In view of the aforesaid acts, a complaint was lodged against the petitioners by the defacto complainant and a case in FIR.No.515 of 2018 for offences under Sections 147, 148, 341, 294(b), 324 and 506(2) was registered.

3. The learned counsel for the petitioners submitted that the petitioners and the defacto complainant now amicably settled the issue between them. It is also submitted that the defacto complainant agreed for the compromise without any threat or coercion. Now, after the intervention of respectable known persons, both of them arrived at a compromise. Hence, the petitioner has filed this petition to quash the FIR.No. 515 of 2018, on the file of the 1st respondent.

4. 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.

5. An Affidavit dated 17.08.2021, filed by the petitioners and the defacto complainant before this Court and both of them have signed the affidavit. The 2nd respondent and petitioners present through Video conferencing. In the affidavit, it is stated that the petitioners and the second respondent entered into a compromise and amicably settled their issues in respect of



the case registered in FIR.No. 515 of 2018. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

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6.Under such circumstances, no useful purpose will be served in keeping the case 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 case in FIR.No. 515 of 2018, pending on the file of the first respondent.

7.This Criminal Original Petition stands allowed and as a sequel, the case registered in FIR.No. 515 of 2018, pending on the file of the first respondent T-10, Thirumullaivoyal Police Station, Tiruvallur- 600 077, is quashed and the terms of affidavit shall form part and parcel of this order.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

drm/sms

To

1.The Inspector of Police,
T-10 Thirumullaivoyal Police Station,
Thirumullaivoyal,
Tiruvallur,
Tamilnadu- 600 077.

2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.17509 of 2021

SR-II(CO)
SB(02/11/2021)