



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.16706 of 2021

1.Ajith

2.Sarath

3.Balaji

...Petitioners

Versus

1. State of Tamil Nadu
Inspector of Police,
B-2, Esplanade Police Station,
Chennai.

2. Senthil Kumar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for records relating to FIR No.82/2017 on the file of 1st respondent police and quash the same.

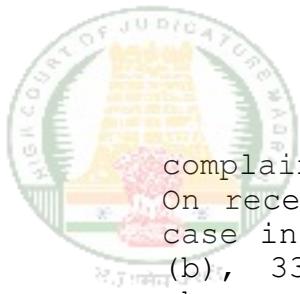
For Petitioner : Mr.M.Mohamed Riyas

For Respondent : Mr.A.Damodaran,
No.1 Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.82 of 2017, dated 12.01.2017 on the file of the 1st respondent Police.

2.The case against the petitioners is that the defacto complainant is working as a driver in Metropolitan Transport Corporation and on 12.01.2017, the petitioners and other accused came in drunken condition, shouted in loud voice and broke the bus mirror. When the defacto complainant questioned them, the petitioners and other accused entered into the bus, pulled down the defacto complainant from the seat, surrounded and abused him in filthy language and beat the defacto complainant and caused simple injury. Thereafter, the defacto complainant had lodged a



complaint against the petitioners as well as Logesh and Pradeep. On receipt of the complaint, the respondent police registered a case in Crime No.82 of 2017 for offences under Sections 147, 294 (b), 332 & 506(1) IPC. On completion of the investigation, charge sheet filed and it was taken on file before the VII Metropolitan Magistrate, George Town, Chennai in C.C.No.1731 of 2017. Since the petitioners viz., Ajith, Sarath and Balaji were Juveniles, the trial Court had not proceeded the case against the petitioners and only taken up the case against the other accused viz., Logesh and Pradeep and both are acquitted on 27.01.2020 by the trial Court.

3.Now, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4.An affidavit dated 06.09.2021 has been filed by the defacto complainant. The petitioners and the defacto complainant are present through Video conferencing. In the affidavit, it is stated that the dispute and differences have been resolved through mutual consent and they decided to keep harmony between us to live with peace and love. Now, no dispute with them and they compromised. Hence, he is not inclined to proceed the matter 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 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 Cr1 10), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No.82 of 2017, on the file of the 1st respondent Police.

6.In view of the same, this Criminal Original Petition stands allowed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

sms



To

1. State of Tamil Nadu
Inspector of Police,
B-2, Esplanade Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+4cc to Mr.Mohamed Riyas, Advocate, S.R.No.50703

CRL.O.P.No.16706 of 2021

SS (CO)
RGA (26/10/2021)