

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.16680 of 2021

1. Indra @ Indrani,
W/o. Gunasekar

2. S.Gowri,
W/o. Sivakumar

3. S.Matihreyan,
S/o. Sivakumar

4. Bhusham @ Gunapoosani,
W/o. Late Mariappan

5. C.Muthu,
W/o. Chandran

... Petitioners

Versus

1. The State rep.by
Inspector of Police (Law and Order),
N-1, Royapuram Police Station,
Chennai-13.

2. Mr.Vivekanand,
S/o. K.V.Lakshmipathy

....Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.4120 of 2020 on the file of the 1st respondent police, quash the same.

For Petitioner : Mr.B.R.Sankara Lingam

For Respondents : Mr.A.Damodaran
Addl. Public Prosecutor for R1

Mr.N.C. Thirumala Balaji for R2

ORDER

(This case has been heard through video conference)

This Criminal Original Petition has been filed to quash the FIR in Crime No.4120 of 2020, dated 03.11.2020 on the file of the 1st respondent Police.

2. The case of the prosecution is that on 02.11.2020, the petitioners entered into the house of defacto complainant and ransacked the whole house and damaged certain articles. Hence, he lodged a complaint before the 1st respondent police. On receipt of the same, a case in Crime

No.4120 of 2020 was registered for the offences under Sections 294(b), 448, 427, 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 compromise the dispute amicably among themselves.

4. The petitioner and the 2nd respondent/defacto complainant have filed a joint compromise memo dated 06.09.2021. The petitioner and the 2nd respondent are present through Video conferencing. In the joint compromise memo, it is stated that in the interest of protecting the life of both the parties and their futures, compromise has been evolved between both the defacto complainant and the accused persons, 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 CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No.4120 of 2020, on the file of the 1st respondent Police.

6.This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.4120 of 2020, on the file of the 1st respondent police, is quashed against the petitioners.

सत्यमेव जयते

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Index: Yes/No
Internet: Yes/No
rpp/nr

To

1. Inspector of Police (Law and Order),
N-1, Royapuram Police Station,
Chennai-13.

2. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

rpp/nr



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