



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16826 of 2021

1.Suresh

2.Ajith @ Ajithkumar

3.Agustin @ Rahulraj

4.Pravin @ Praveenkumar

5.Ajith

...Petitioners

Versus

1.State rep.by

The Inspector of Police,
Sevvapet Police Station,
Thiruvallur District.
(Crime No. 284 of 2019)

2.Ajithkumar

...Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records relating to pending investigation in Crime No.284 of 2019 on the file of the first respondent and quash the same.

For Petitioners: Mr.R.Sasikumar

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

: Mr.S.Thiyagarajan for R2

O R D E R

The Criminal Original Petition has been filed to call for the records relating to pending investigation in Crime No. 284 of 2019 on the file of the 1st respondent and quash the same.

2. The case of the prosecution is that the petitioners have abused and assaulted the 2nd respondent/defacto complainant due to wordy quarrel regarding accident. Thereafter, the 2nd respondent on 01.08.2019 lodged a complaint before the respondent police against the petitioners. Based on the complaint, the first respondent police registered a case against the petitioners for the alleged offences punishable under Section 147, 148, 294(b) 324 and 506(ii) of IPC in Crime No.284



of 2019.

3. The learned counsel for the petitioners submitted that the petitioners and the 2nd respondent considering their peaceful and future life agreed to entered into an amicable settlement by way of Joint Memo of compromise dated 16.08.2021 and decided to file a quash petition before this Hon'ble Court to quash the above FIR on the file of the first respondent police. It is also submitted that the A2 namely Ajith @ Ajithkumar S/o Karunakaran has died, hence except the A2 Ajith @ Ajithkumar S/o Karunakaran, all other accused persons namely the petitioners herein have filed the present quash petition. The FIR was lodged against the petitioners only in a fit of rage. Now, after the intervention of respectable known persons, both the parties have come to a compromise. Hence, the petitioners have filed this petition to quash the FIR in Crime No.284 of 2019.

4. The case is still at the stage of investigation. By passage of time, the parties have decided to compromise the dispute amicably among themselves.

5. A Joint Memo of Compromise dated 16.08.2021 has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsel. In the Joint Memo of compromise it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in Crime.No.284 of 2019. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. 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.284 of 2019.

7. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.284 of 2019, on the file of the 1st respondent police, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

ENCL:Xerox Copy of Memo of Compromise



dna/drm

To

1.The Inspector of Police,
Sevvapet Police Station,
Thiruvallur District.

2.The Public Prosecutor
High Court, Madras.

+1cc to Mr.R.Sasikumar, Advocate, S.R.No.52839

Crl.O.P.No.16826 of 2021

KSM(CO)
GN(01/11/2021)