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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.17507 OF 2021

AND

CRL.M.P.NOS.9603 OF 2021

1. Balamurugan
2. Durai Murugan
3. Sivaramakrishnan
4. Vengatesan
5. Murugan
6. Hari
7. Sathishkumar
8. Sakthi
9. Bruntha
10. Naveenkumar
11. Vinoba
12. M.Jeevarathinam
13. Janaki
14. Rasukutti
15. Rajasekar
16. Kandan

... Petitioners

Versus

1. The Inspector of Police,
Avalur Police Station,
Ranipet District.
(Crime No.17/2016).

2. Munusamy

... Respondents

PRAYER:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records in Crime No.17 of 2016 pending investigation on the file of the 1st respondent Police and to quash the same.

For Petitioners : Mr.R.Thirumoorthy

For R1 : Mr.A.Damodaran
Additional Public Prosecutor

For R2 : Mr.T.Aurl



ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.17 of 2016, dated 17.01.2016 on the file of the 1st respondent Police.

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2. The case of the prosecution is that the 2nd respondent is working as Postman in Kalathur Post Office. Since the 2nd respondent and his family members used to object sand mining in his village, A1 to A3 were having grudge against them. On 16.01.2016, when the 2nd respondent had gone to his home after work, A3 intercepted the 2nd respondent and threatened him with dire consequences. At the evening hours, there was a wordy quarrel between one Rosy and Thirumal, at that time, the 2nd respondent intercepted and pacified them. When the 2nd respondent was proceeding to Temple, A3 stopped the 2nd respondent and abused him stating that he is reason for wordy quarrel between Rosy and Thirumal. A1 to A6 assaulted the persons viz., Parvathy, Rani, Suresh and Satheesh, who were questioned A3 for abusing the 2nd respondent. At about 09.30 p.m., A3, A5 to A9 went to the house of one Nepolian, relative of the 2nd respondent and set fire on the clothes. One Prabhakaran called fire service. Thereafter, A1 to A3 assaulted the 2nd respondent by using their legs and A3, A7, A10, A11, A12, A13, A14 to A16 assaulted Yuvaraj and Prabhakaran by using iron rod and wooden logs. Finally, all the accused gave life threat to the 2nd respondent and his relatives and escaped from the scene of occurrence. The injured were admitted in Government Hospital, Valaja for treatment and 2nd respondent lodged a complaint before the 1st respondent Police and the same was taken on file as FIR in Crime No.17 of 2016, for offence under Sections 294(b), 147, 148, 341, 324, 436, 452 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 accused and the 2nd respondent have filed the Joint Compromise Memo. The petitioners and the 2nd respondent are present through Video conferencing. 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.17 of 2016, on the file of the 1st respondent Police.

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6. This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.17 of 2016, on the file of the 1st respondent police, is quashed against the petitioners. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Avalur Police Station,
Ranipet District.
2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.NO.17507 OF 2021

KG(CO)
PBS/03/12/2021