



WEB COPY

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.17511 of 2021 and
Crl.M.P.No.9605 of 2021

Munusamy

...Petitioner/Accused

Versus

1.The state rep by,
The Inspector of Police,
Avalur Police Station,
Ranipet,
(Crime No.60/2016)

..1st Respondent/Prosecuting Complainant

2.Vijayalakshmi @ Vijaya

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records in Crime No.60 of 2016 pending investigation on the file of the 1st respondent Police and to quash as against the petitioner.

For Petitioner :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.60 of 2016, dated 01.03.2016 on the file of the 1st respondent Police.

2.The case of the prosecution is that the 2nd respondent and her relatives Ramachandran, Balamurugan, Dhayalan were living as joint family in thatched house. On 01.03.2016, at about 12.15 a.m., when the 2nd respondent came out, the roof of the house was burning. When the 2nd respondent searched around the house, the petitioner attempted to escape from there. The



2nd respondent was screaming and attempting to catch the petitioner along with Janaki, Gokulakrishnan, Gopi and Rasukutti. Despite the same, the petitioner and some others escaped from the scene and the petitioner also set fire to the house of one Gopal, who is the relative of the 2nd respondent. Hence, the 2nd respondent lodged a complaint to the 1st respondent that due to previous enmity, the petitioner and some others set fire to the house of the 2nd respondent and Gopal. The 1st respondent Police has registered an FIR in Crime No.60 of 2016, for offence under Sections 436 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 have filed the Joint Compromise Memo. The petitioner 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 Gujraht), 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.60 of 2016, on the file of the 1st respondent Police.

6.This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.60 of 2016, on the file of the 1st respondent police, is quashed against the petitioner. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar



1.The Inspector of Police,
Avalur Police Station,
Ranipet District.

2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.17511 of 2021

MG(CO)
SP(29/11/2021)