



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.17481 of 2021

1.S.Manikandan

2.E.Murali

3.B.Manikandan

...Petitioners

Versus

1.State of Tamil Nadu,
Inspector of Police,
J-9, Thuraipakkam Police Station,
Chennai.

2.R.Prasanth

...Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records relating to F.I.R.No.5 of 2020 on the file of the first respondent police and quash the same.

For Petitioners : Mr.M.Mohamed Riyas

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

O R D E R

This Criminal Original Petition has been filed to call for the records relating to F.I.R.No.5 of 2020 on the file of the first respondent police and quash the same.

2. The case of the prosecution is that while on the funeral procession of the grandmother of the defact complainant



on 03.01.2020, the petitioners entered the procession and created problem and harassed the defacto complainant with filth language. Based on the said incident on 05.01.2020 the petitioners and other accused entered the house of the defacto complainant and threatened him and took him to one Murali's house and attacked him with knife and hard weapons. Hence, the de-facto complainant filed a complaint against the petitioners and others and FIR was registered in Crime No.5 of 2020 for the offences under Sections 363, 341, 323, 342 and 506(ii) IPC.

3. The learned counsel for the petitioners submitted that the petitioners are law abiding persons and they have not committed any offence as alleged in the Charge Sheet. The petitioners and the de-facto complainant are neighbours and there was previous enmity between them. The FIR was lodged against the petitioners only in a fit of anger. 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.5 of 2020.

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. The Affidavit dated 16.09.2021 has been filed by the second respondent/de-facto complainant before this Court. The second respondent and petitioners present through Video conferencing. In the affidavit, it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in Crime No.5 of 2020. 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 Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., inclined to quash the First Information Report in Crime No.5 of 2020.



7. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.5 of 2020, on the file of the 1st respondent police, is quashed and the terms of affidavit shall form part and parcel of this order.

Sd/-
Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

dna

To

1.The Inspector of Police,
J-9, Thuraipakkam Police Station,
Chennai.

2.The Public Prosecutor
High Court, Madras.

+1cc to Mr.M.Mohammed Riyas, Advocate SR.No.51631

Cr1.0.P.No.17481 of 2021

GSM(CO)
RVM(12/10/2021)