



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.17761 OF 2021

Yashwanth

... Petitioner/
Accused

Versus

1. State Rep. by The Inspector of Police,
T-7, Tank Factory Police Station,
Avadi, Chennai.
(Crime No.308 of 2021)

2. K.Anand

... Respondents/
Complainant/Defacto Complainant

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.308 of 2021 on the file of the 1st respondent Inspector of Police, T-7, Tank Factory Police Station, Chennai for the offence under section 294(b), 352, 427, 506(ii) of IPC and quash the same.

For Petitioner : Mr.M.Kaveri Selvam

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

O R D E R

This petition has been filed to call for the records in Crime No.308 of 2021 on the file of the first respondent Inspector of Police, T-7, Tank Factory Police Station, Chennai for the offence under section 294(b), 352, 427, 506(ii) of IPC and quash the same.

2. The case of the prosecution is that on 27.07.2021 at 3.00 p.m., the petitioner went to the mechanic shop run by the second respondent/de-facto complainant to repair his vehicle. A wordy altercation exchanged between them, and due to sudden provocation, the petitioner tried to attack the the second



respondent and damaged the vehicles parked in the said shop and also threatened the second respondent with dire consequences. Hence, the second respondent lodged a complaint before the first respondent and a case in Crime No.308 of 2021 came to be registered against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is law abiding person and he has not committed any offence as alleged in the complaint and FIR. The petitioner and the de-facto complainant belong to the same area and there was no previous enmity between them. The FIR was lodged against the petitioner only in a fit of anger. Now, after the intervention of respectable known persons, both the parties have come to a compromise. Hence, the petitioner has filed this petition to quash the FIR in Crime No.308 of 2021.

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 20.09.2021 has been filed by the second respondent/de-facto complainant before this Court. The second respondent and petitioner present through Video conferencing. In the affidavit, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in Crime No.308 of 2021. This Court also enquired both the parties and 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.308 of 2021.

7. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.308 of 201, on the file of the first respondent police, is quashed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

dna

Sub Assistant Registrar



To

1. The Inspector of Police,
T-7, Tank Factory Police Station,
Avadi, Chennai.

2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.17761 of 2021

NMI (CO)
PM/25/11/2021