



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.18116 of 2021

WEB COPY

D.Padmanabhan

... Petitioner/Accused 1

Versus

1.State By,

The Inspector of Police,
J-4, Kotturpuram Poilce Station,
Chennai.

...1st Respondent/
Complainant

2.J.Balamurugan

...2nd Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the First Information Report in Crime No.563 of 2021 pending on the file of the 1st respondent as against the petitioners herein.

For Petitioner : Mr.R.Krishna Kumar

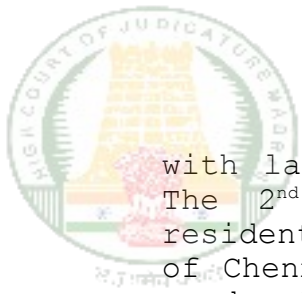
For R1 : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.563 of 2021 pending on the file of the 1st respondent Police.

2.The case of the prosecution is that the 2nd respondent is a practicing Advocate in Saidapet Court. The persons belong to Naidu Street, 4th Lane, Kottur, Chennai requested the 2nd respondent to make a complaint with the Assistant Engineer, Corporation of Chennai to lay road. On 17.08.2021, at about 11.50 a.m., the 2nd respondent and her junior Robert met the Assistant Engineer in connection with laying road. When the laying work was going on, the petitioner claiming to be an Advocate and three others, stopped laying work and assaulted the 2nd respondent and his junior and also the public. After taking treatment, the 2nd respondent lodged a complaint before the 1st respondent and a case in Crime No.563 of 2021 was registered, for offence under Sections 323, 336, 392, 506(i) IPC.

3.The learned counsel for the petitioner submitted that the 2nd respondent and the petitioner had some dispute in connection



with laying of road at Naidu Street, 4th Lane, Kottur, Chennai. The 2nd respondent and his Junior Robert along with other residents had gone to meet the Assistant Engineer, Corporation of Chennai with regard to laying road. At that time, there was wordy altercation and scuffle between the groups. Hence, a case and counter case were registered against the both parties in Crime Nos.562, 563 & 564 of 2021.

4.The learned counsel further submitted that now the dispute between the accused and the 2nd respondent resolved and all the parties have agreed for compromise. Hence, they have filed three quash petitions to quash the FIR in Crime Nos.562, 563 & 564 of 2021 and filed their respective affidavits. The 2nd respondent and the accused have filed affidavits in support of the compromise entered between them.

5.The learned Additional Public Prosecutor appearing for the 1st respondent Police submitted that in this case, on the complaint of the 2nd respondent, a case in Crime No.563 of 2021 was registered, for offence under Sections 323, 336, 392 and 506 (i) IPC. After completion of investigation, charge sheet was filed against the accused and the same was taken on file as C.C.No.4001 of 2021 by the learned IX Metropolitan Magistrate, Saidapet, Chennai.

6.It is seen that by passage of time, the parties have decided to bury their hatchet and compromised the dispute amicably among themselves.

7.The 2nd respondent and the accused have filed affidavits in support of the compromise entered between them. Today, the accused and the 2nd respondent are present before this Court. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

8.Under such circumstances, no useful purpose will be served in keeping the case 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 Gujrath), 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., is inclined to quash the First Information Report in Crime No.563 of 2021 on the file of the 1st respondent Police.

9.Since the charge sheet has been filed in Crime No.563 of 2021 and the same was taken on file as C.C.No.4001 of 2021, this



Court quashes the FIR in Crime No.562 of 2021 and consecutively the case in C.C.No.4001 of 2021 on the file of the IX Metropolitan Magistrate Court, Saidapet, Chennai against all the accused stands quashed. This Criminal Original Petition stands allowed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The IX Metropolitan Magistrate Court,
Saidapet, Chennai.

2.Do Through:
The Chief Metropolitan Magistrate,
Egmore, Chennai-8.

3.The Inspector of Police,
J-4, Kotturpuram Poilce Station,
Chennai.

4.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.18116 of 2021

MG(CO)
KM(25/11/2021)