



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.18121 of 2021

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1.Bala @ Balamurugan

2.Engles

3.Manikandan

... Petitioners/Accused 7,8&9

Versus

1.State By,

The Inspector of Police,

J-4, Kotturpuram Poilce Station,

Chennai.

...1st Respondent/Complainant

2.Chellammal

...2nd Respondent/

Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to quash the First Information Report in Crime No.562 of 2021 pending on the file of the 1st respondent as against the petitioners herein.

For Petitioners: Mr.V.T.Narendiran

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

For R2 : Mr.R.Krishnakumar

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.562 of 2021 pending on the file of the 1st respondent Police as against the petitioners.

2.The case of the prosecution is that on 17.08.2021, at about 01.00 p.m., when the husband of the 2nd respondent Padmanaban alone at home, Robbin, Manickam, Karthikeyan, Mandumandal, Rajasekar, Ganesh along with henchmen claiming to be Advocates, attacked him with deadly weapons and inflicted injuries. Thereafter, the 2nd respondent and her injured husband had gone to the 2nd respondent Police Station to lodge a complaint, at that time, the Advocates who are practicing in Saidapet Magistrate Court namely Angel and Manikandan again assaulted her husband in the Police Station. Due to which, the 2nd respondent's husband fainted and immediately admitted in the Government Hospital, Royapettah. Thereafter, a complaint was lodged and an FIR in Crime No.562 of 2021 was registered, for offence under Sections 147, 448, 324 and 392 IPC against Robbin,



Manickam, Karthikeyan, Mandumandal, Rajasekar, Ganesh, Angel, Manikandan and others. After investigation, Sections were altered to 147, 448, 323 IPC r/w 149 IPC.

3. The learned counsel for the petitioner submitted that the 2nd respondent's husband Padmanaban, who is a practicing Advocate, residing at No.54/16, Naidu Street, 4th Lane, Kottur, Chennai had some dispute with other residents of the street in connection with laying road. The 1st petitioner 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 between both the groups and the petitioner's group opposed the highhandedness of the 1st respondent Police and there was a scuffle between the groups. Hence, a case and counter case registered against the both parties in Crime Nos.562, 563 & 564 of 2021. The 1st respondent Police is supporting the 2nd respondent and her husband Padmanaban.

4. The learned counsel further submitted that now the dispute between the petitioners 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. As regards the offence under Section 392 IPC is concerned, at the time of occurrence, the jewels belong to both the parties found missing and later, both parties exchanged their respective jewels. Hence, the offence under Section 392 IPC is not made out. The 2nd respondent filed the affidavit giving consent for quashing of the FIR in Crime No.562 of 2021 against the petitioners and other accused.

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.562 of 2021 was registered for offence under Sections 147, 448, 324, 392 IPC. During investigation, finding that there is no missing of jewels, the case was altered to 147, 448, 323 r/w 149 IPC. After completion of investigation, charge sheet was filed against seven accused and the same was taken on file as C.C.No.4002 of 2021, for offence under Sections 147, 448, 323 r/w 149 IPC 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 filed his affidavit giving consent for quashing of the FIR in Crime No.562 of 2021. Today, the



petitioners and other 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.

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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.562 of 2021 on the file of the 1st respondent Police.

9. Since the charge sheet has been filed in Crime No.562 of 2021 and the same was taken on file as C.C.No.4002 of 2021, this Court quashes the FIR in Crime No.562 of 2021 and consecutively, the case in C.C.No.4002 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.

+8cc to Mr.V.T.Narendiran, Advocate, S.R.No.57275
CRL.O.P.No.18121 of 2021

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