



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.18117 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.Engales

...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.564 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.564 of 2021 pending on the file of the 1st respondent Police.

2.The case of the prosecution is that the 2nd respondent is a Secretary of the Law Association of Saidapet. At the instance of one Balamurugan, who is a practicing Advocate in Saidapet Court, the 2nd respondent had gone to the 1st respondent Police Station, where five unknown persons abused the 2nd respondent and attempted to assault him. Thereafter, the accused persons assaulted the 2nd respondent, Balamurugan, Manikandan and Diviraj in the Police Station. Immediately, the 2nd respondent lodged a complaint before the 1st respondent Police and a case in Crime No.564 of 2021 was registered, for offence under Sections 341, 294(b), 323, 506(i) IPC.

3.The learned counsel for the petitioner submitted that the 2nd respondent and his junior Balamurugan, who is a practicing Advocate at Saidapet was misguided by the trespassers and other residents at Naidu Street, 4th Lane, Kottur, Chennai in



connection with laying road in the street. At that time, there was wordy altercation and scuffle between the groups. Hence, a case and counter case registered against the both parties in Crime Nos.562, 563 & 564 of 2021.

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4.The learned counsel further submitted that now the dispute between the petitioner 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 filed the affidavit giving consent for quashing of the FIR in Crime No.564 of 2021 against the 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.564 of 2021 was registered for offence under Sections 341, 294(b), 323, 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.4000 of 2021, for offence under Sections 341, 294(b), 323, 506(i) r/w 34 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 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.564 of 2021 on the file of the 1st respondent Police.

9.Since the charge sheet has been filed in Crime No.564 of 2021 and the same was taken on file as C.C.No.4000 of 2021, this Court quashes the FIR in Crime No.564 of 2021 and consecutively, the case in C.C.No.4000 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.

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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.18117 of 2021

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