



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

C O R A M

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.20718 OF 2020

AND

CRL.M.P.NO.8764 OF 2020

G.Purusothaman

... Petitioner/Accused

Versus

1. The State by
The Inspector of Police,
S-15 Selaiyur Police Station,
Chennai.
(Cr.No.387/2018)

2. G.Manohar

... Respondents/Complainants/
Defacto Complainants

PRAYER:-

Criminal Original Petition filed under Section 482 of Cr.P.C. to call for records to quash the F.I.R.No.387 of 2018 on the file of the 1st respondent.

For Petitioner : Mr.E.Kotteswaran

For Respondents : Mr.R.Vinothraja for R1
Government Advocate (Crl. side)

Mr.M.N.Seduraman &
Mr.J.Vivekanandam for R2

O R D E R

The Criminal Original Petition has been filed to call for the records relating to the proceedings in Crime No.387 of 2018 on the file of the 1st respondent and quash the same.

2. The case of the prosecution is that the Defacto complainant started a Fish stall in the Name and Style on "Amma



Fish Stall" in the year 2017 and registered the same under Trade & Merchandise Marks Act, 1958 and he also opened a fish stall in the name and style of "Amma Fish Stall" in the nearby locality and when the de-facto complainant came to know about the same and questioned the petitioner about fish stall, due to to which the petitioner threatened the defacto complainant with dire consequences. Hence, the case in Cr.No.387 of 2018 came to be registered against the petitioner.

3. The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. A Memo of compromise dated 19.11.2021 has been filed by the de-facto complainant. The petitioner and the second respondent appeared before this Court in Video Conferencing. In the Memo of compromise, it is stated that in the due course the petitioner removed the fish stall opened by him and informed the same to the de-facto complainant and had come for compromise. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. Under such circumstances, no useful purpose will be served in keeping the First Information Report 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 Suprme Court in The State of Madhya Pradesh v. Dhruv Gurjar and Another reported in (2019) 2 MLJ Crl 10), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No.387 of 2018, on the file of the 1st respondent Police.

6. This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.387 of 2018, on the file of the 1st respondent police, is quashed against the petitioner. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

arr



To

1. The Inspector of Police,
S-15 Selaiyur Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.E.Kotteswaran, Advocate, S.R.No.62521

CRL.O.P.NO.20718 OF 2020

SPD (CO)
PBS/14/12/2021