



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.17985 of 2021

1.Ilangovan
2.Muthuvel

...Petitioners/Accused 1,2

Versus

State Rep. by

1. The Inspector of Police,
Padalur Police Station,
Perambalur District.
(Crime No.153 of 2015)

2. Indhirani

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.153 of 2015 on the file of the first respondent and quash the same.

For Petitioner : Mr.K.Thenrajan

For R1 : Mr.A.Damodaran
Additional Public Prosecutor

For R2 : Mr.M.Vasanth Raja

O R D E R

This Criminal Original Petition is filed to call for the records in Crime No.153 of 2015 on the file of the first respondent and quash the same.

2.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.

3.The case of the prosecution is that on 22.04.2015 at about 08.00 a.m., the second respondent went to her field to water the land, while so, the petitioners had abused the second respondent in filthy language and also caused damage to the PVC pipe line of the second respondent field. Based on the complaint given by



the second respondent to the first respondent, who in turn registered a case in Crime No.153 of 2015, for the offence under Sections 294(b), 323, 506(ii) IPC and Section 3 of TNPPDL Act.

4. In the mean time, it has been unanimously decided by the petitioners and the second respondent to put an end to all the litigation between them. To that effect, the second respondent has filed an affidavit stating that the second respondent and the petitioners are belonged to same locality, pursuant to a mediation and a compromise was arrived and they decided to settle their dispute in an amicable way and thereby, the second respondent undertake to withdraw the above case as against the petitioners. Pursuant to the above compromise, the second respondent undertakes to file a supporting affidavit to quash the above case in Crime No.153 of 2015 on the file of the first respondent police.

5. The learned Additional Public Prosecutor appearing for the first respondent also confirms the same.

6. Under such circumstances, no useful purpose will be served in keeping the FIR 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. quashes the FIR in Crime No.153 of 2015, pending on the file of the first respondent

7. In view of the above said fact, this Court is inclined to allow this Criminal Original Petition.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.153 of 2015, pending on the file of the first respondent, is quashed on the terms of the affidavit filed by the second respondent, which shall form part and parcel of this order.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Padalur Police Station,
Perambalur District.

2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.K.Thenrajan, Advocate, S.R.No.55267

CRL.O.P.No.17985 of 2021

JPL(CO)
RGA(22/11/2021)