



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.18142 OF 2021

AND

CRL.M.P.NO.9961 OF 2021

S.P.Gowtham

... Petitioner

Versus

State Rep. by

1. The Inspector of Police,
Pallikaranai Police Station,
St.Thomas Mount,
Chennai.

2. T.Parthiban

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for all the records and quash all the proceedings in Crime No.542 of 2015 now pending investigation on the file of the first respondent.

For Petitioner : Mr.S.Senthil Murugan

For R1 : Mr.A.Damodaran
Additional Public Prosecutor

For R2 : Ms.S.S.Jayanthi

O R D E R

This Criminal Original Petition to call for all the records and quash all the proceedings in Crime No.542 of 2015 now pending investigation on the file of the first respondent.

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.



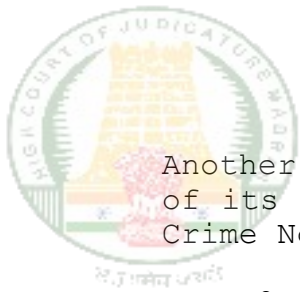
3. The gist of the case is that the second respondent gave a complaint before the first respondent police in which it is alleged that the second respondent's brother-in-law viz., E.Natarajan owned a land situated in Survey No.355/3 measuring about 59 cents in Perumal Nagar. In respect of the above land a civil dispute was pending between the said Natarajan and the petitioner's father Sundaram. It is further alleged that the above civil case was ordered in favour of the said Natarajan and on 24.02.2015 the said Natarajan, Saravanan and Murthy assaulted the petitioner's father Sundaram and had lodged a complaint before the respondent police on the same day and which is still pending before the respondent police and at that time the said Natarajan, Saravanan and Murthy absconded.

4. On 27.02.2015, the petitioner along with other accused persons visited the said Natarajan's land by TN 07-AH-9091 Scorpio Car, TN-19-J-3936 Innova Car, TN-16-Z-1285 Xylo Car, TN-01-AC-2765 Scorpio car and TN-07-AQ-0501 Pista car along with deadly weapon and trespassed into the said Natarjan's land and tried to fence it and used filthy language. At that time, the village people gathered and questioned us for illegal trespassing and due to the quarrel between both parties, the village people attacked the above said cars, tractor and lorry and caused damage worth about Rs.1 lakh. When the Inspector of Police, Pallikaranai had intervened and tried to stop the people rioting, he was threatened by one Advocate namely Murali and others and hence, the second respondent/defacto complainant lodged a complaint before the respondent police and the same was registered as FIR in Crime No.542 of 2015, which is still pending.

5. In the mean time, it has been unanimously decided by the petitioner 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 both the petitioner and the second respondent/defacto complainant are willing to settle the issues in order to give quietus and in order to bring harmony between both the families, since they both are adjacent land owners.

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

7. 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 Suprme 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.542 of 2015, pending on the file of the first respondent

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

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.542 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. Consequently, the connected miscellaneous petition is closed.

* Xerox Copy of Affidavit of Mr.T.Parthiban
Respondent No.2/Defacto Complainant is enclosed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Pallikaranai Police Station,
St.Thomas Mount, Chennai.
2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.NO.18142 OF 2021 AND
CRL.M.P.NO.9961 OF 2021

BR(CO)
PBS/17/11/2021