



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.19092 of 2021

Selvakumar

...Petitioner

Versus

1.State rep.by the
The Inspector of Police
Permbalur Police Station
Permbalur District.
(Crime No.1154 of 2021)

2.Vellaiyan

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with the impugned FIR in Crime No.1154 of 2021 on the file of the first respondent and quash the same.

For Petitioner : Mr.M.Vijayaragavan

For Respondents : Mr.A.Damodaran for R1
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the records in connection with the impugned FIR in Crime No.1154 of 2021 on the file of the first respondent and quash the same.

2. The case of the prosecution is that one Sambath Kumar, who is a friend of the petitioner, fell in love with one Nirosha, D/o. Periyasamy. Later due to misunderstanding between them, they got separated and hence the said Sambath Kumar went to Nirosha's house and attacked her. In turn, Periyasamy, who is the father of Nirosha, attacked the brother of Sambath Kumar. Hence, the petitioner and one of his friend went to Periyasamy's house and questioned him. At the time, the second respondent/accused, who is a relative of Periyasamy, attacked them with wooden log and also threatened them with dire consequences. Hence, an FIR in Crime No.1154 of 2021 came to be registered against the second respondent.



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

4. An Affidavit dated 20.09.2021 has been filed by the petitioner through Lakshmi, who is the mother/natural guardian of the petitioner/de-facto complainant before this Court. The petitioner along with his mother and the second respondent present through Video conferencing. In the affidavit, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in Crime No.1154 of 2021. 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 offence involved is 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 Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., inclined to quash the First Information Report in Crime No.1154 of 2021.

6. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.1154 of 2021, on the file of the 1st respondent police, is quashed and the terms of affidavit shall form part and parcel of this order.

Encl.: Xerox Copy of Affidavit

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

dna

To

1.The Inspector of Police
Permbalur Police Station
Permbalur District.
(Crime No.1154 of 2021)

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.M.Vijayaraghavan, Advocate SR.No.54669

CRL.O.P.No.19092 of 2021

KG(CO)
RVM(29/11/2021)