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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18843 of 2021

1.R.Parthasarathy
2.R.Barath Kumar

... Petitioners

Versus

1.State: Rep.by
The Inspector of Police,
V5, Thirumangalam Police Station,
School Road, D-Sector,
Anna Nagar West Extension,
Chennai - 600 101. (Crime No.498 of 2007)

2.G.Kumaravel

... Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to call for the records of the FIR in Crime No.313 of 2018 pending investigation on the file of the 1st respondent and quash the same.

For Petitioners: Mr.A.Prabhakaran

For Respondent : Mr.A.Damodaran,
No.1 Additional Public Prosecutor

For Respondent : Mr.Anai Muthu Raja
No.2

ORDER

This Criminal Original Petition has been filed to call for the records in Crime No.313 of 2018 pending investigation on the file of the 1st respondent and quash the same.

2.The case of the prosecution is that on 22.07.2018 when he was standing near Golden Jubilee Flats, the petitioners 1 and 2 involved in a wordy quarrel. However, at the relevant point of time, the defacto complainant left the place of occurrence. But, later point of time, at about 8.30 p.m. when the defacto complainant standing near Balaji Nagar Auto Stand, the petitioners along with another person picked up wordy quarrel again and attacked the defacto complainant with wood, stick and bottle. The petitioners, apart from causing physical assault, abused the Defacto complainant. In view of



the physical assault, the Defacto complainant sustained injuries. For taking treatment, he was admitted in KMC Hospital and subsequently, the complaint was given before the 1st Respondent, on basis of which, FIR was registered as against the petitioners for offences under Sections 341, 294 (b), 506(ii) IPC in Crime.No.313 of 2018.

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 compromise memo dated 26.10.2021 has been filed by the 2nd respondent and the petitioners. The petitioners and the 2nd respondent are present through Video conferencing. In the compromise memo, it is stated that since the 2nd respondent and the petitioners have compromised between themselves, the 2nd respondent is not inclined to proceed with the investigation further. This Court also enquired both the parties and 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 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 First Information Report in Crime No.313 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.313 of 2018, on the file of the 1st respondent police, is quashed against the petitioners.

Sd/-

Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

sms

Herein Enclosed Xerox copy of Joint Compromise Memo
To

1. The Inspector of Police,
V5, Thirumangalam Police Station,
School Road, D-Sector, Anna Nagar West Extension,
Chennai - 600 101.



2.The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.A.Prabhakaran, Advocate SR.No.55675

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AD(CO)
GMY(10/12/2021)