

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.20424 OF 2020

1. Gopal

2. Shanthi ... Petitioners/Accused

vs.

1. The State Rep. by
The Inspector of Police,
R.K.Pet Police Station,
Thiruvallur District.
(Crime No.2345 of 2020) ... 1st Respondent/
Complainant

2. K.V.Balamurugan ... 2nd Respondent/
Defacto Complainant

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the FIR in Crime No.2345 of 2020 pending investigation on the file of the 1st respondent police, quash the same based on compromise arrived at between the petitioners and the 2nd respondent/defacto complainant.

For Petitioners : Mr.A.Balamurugan

For Respondents : Mr.C.Raghavan
Government Advocate for R1

ORDER

The Criminal Original Petition has been filed to call for the records relating to Crime No.2345 of 2020 on the file of the 1st respondent and quash the same by allowing this Criminal Original Petition.

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 affidavit dated 09.02.2021 has been filed by the 2nd respondent/de-facto complainant before this Court. The petitioners and the second respondent were also present and they were identified by Mr.Surendra Kumar, Inspector of Police, R.K. Pet Police Station, Thiruvallur District, who was also present at the time of hearing. In the affidavit it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in Crime No.2345 of 2020. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. 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 Gujrat), 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.2345 of 2020 pending on the file of the Inspector of Police, R.K. Pet Police Station, Thiruvallur District..

5. This Criminal Original Petition stands allowed and as a sequel, the FIR in Crime No.2345 of 2020, pending on the file of the Inspector of Police, R.K. Pet Police Station, Thiruvallur District., is quashed and the terms of affidavit shall form part and parcel of this order. The petitioners shall pay a sum of Rs.1000/- (Rupees One Thousand only) as costs, to the credit of the President, Tamil Nadu Advocates Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157), within a period of one week from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

* Xerox copy of Affidavit of K.V.Balamurugan, dated 09.02.2021

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Inspector of Police,
R.K.Pet Police Station,
Thiruvallur District.
2. The Public Prosecutor,
High Court, Madras.

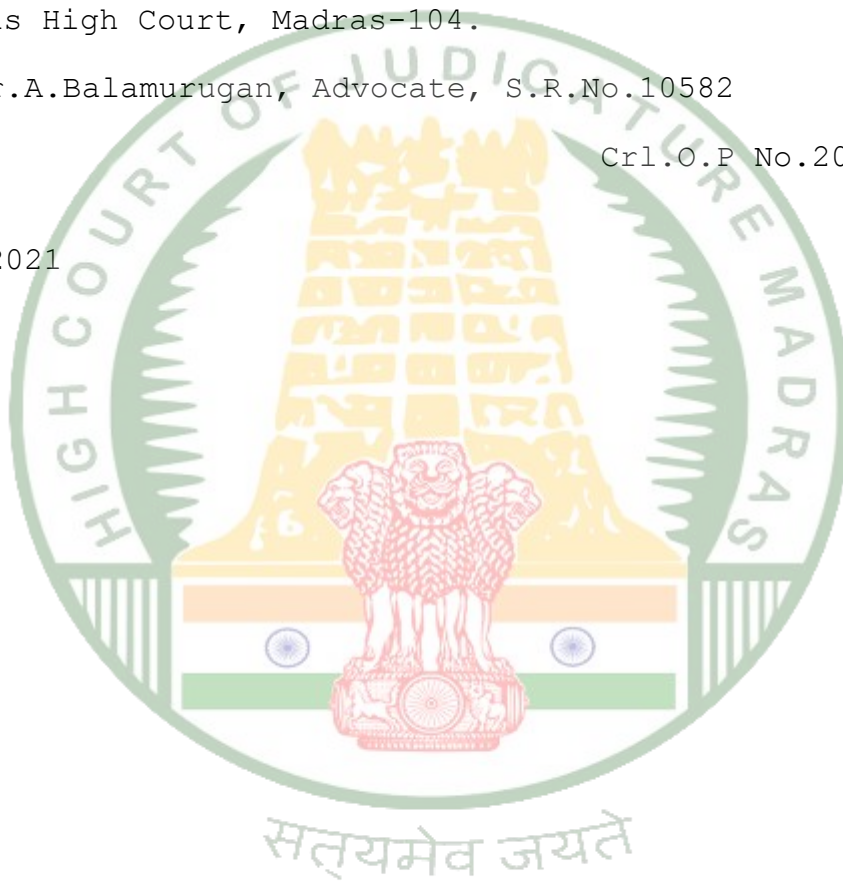
Copy To

The President,
Tamil Nadu Advocate Clerk Association,
Madras High Court, Madras-104.

+1cc to Mr.A.Balamurugan, Advocate, S.R.No.10582

Crl.O.P No.20424 of 2020

GPL (CO)
CS/01/04/2021



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