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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P. No.20261 of 2020

1.Selvakumar

2.Lenin

... Petitioners

Versus

1. The State rep.,
The Inspector of Police,
Teynampet Police Station,
Chennai District.
(Crime No.1276 of 2018)

2. Shankar

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in FIR registered in Crime No.1276 of 2018, dated 16.12.2018 pending investigation on the file of the first respondent and quash the same against the petitioners.

For Petitioner : Mr.K.J.Saravanan

For Respondents : Mr.E.Raj Thilak,
Counsel for
Government of Tamil Nadu (Crl.side)

ORDER

The Criminal Original Petition has been filed to call for the records in Crime No.1276 of 2018, dated 16.12.2018 pending investigation 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.Heard both sides and perused the materials available on record.



4. It is seen that the first petitioner/Selvakumar is an engineering graduate, who along with the second petitioner/Lenin was doing business of making photo identity cards. On the momentous occasion of the day, both of them gone to the office of political party, where there was a function for unveiling the Statue of their leader, without having entry pass, they attempted to enter into the VIP arena, on suspicion, the de-facto complainant enquired and searched the petitioners. At that time, the de-facto complainant found petitioners were having many identity cards relating to the TV channels and Press. Having suspicious, the de-facto complainant immediately caught them and handed over to the respondent/police. The de-facto complainant, only on suspicious ground, caught the petitioners. On that day, a public meeting held in the political office to unveil their leader's Statue. On that day, the petitioners committed the mistake of entering into the VIP enclosure, without invitation. Considering the facts and circumstances of the case and the first petitioner an engineering graduate, into the business of making identity cards along with the second petitioner, hence, the case in Crime No.1276 of 2018, dated 16.12.2018 is liable to be quashed.

5. The affidavit dated 23.06.2021 filed by the second respondent/de-facto complainant before this Court. The petitioners and the second respondent/de-facto complainant present through Video conferencing. In the above said affidavit, it is stated that the petitioners and the second respondent/de-facto complainant have entered into a compromise, amicably settled their issues in Crime No.1276 of 2018. This Court enquired both 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, though, the offences alleged are 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 Gujarat), 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.1276 of 2018, on the file of the 1st respondent/police.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.1276 of 2018, on the file of the 1st respondent police, is quashed and the terms of Affidavit shall form part and parcel of this order. [The petitioner shall pay a sum of Rs.1000/- (Rupees One Thousand only each) as costs, to the credit of the Chief Justice Relief Fund (payable



in Accounts Section of the High Court Registry), 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].

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Xerox copy of Affidavit of Compromise attached.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

klt

To

1. The Inspector of Police,
Teynampet Police Station,
Chennai District.
2. The SAR, Accounts Section,
High Court, Madras.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.20261 of 2020

RSV (CO)
K.RK. (09.08.2021)