



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.21174 of 2021

- 1.S.Deepak Kumar
2. R. Selvakumar
3. N. Sivakumar

...Petitioners/
1st, 2nd & 3rd Accused

Versus

1. State, represented by the
Inspector of Police,
K-4, Anna Nagar Police Station,
Anna Nagar, Chennai,
(Crime No.712/2015)

...1st Respondent/
Complainant

2. S. Harish

...2nd Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.3805 of 2015, on the file of the Vth Metropolitan Magistrate at Egmore, Chennai and Crime No.712 of 2015 on the file of the K-4, Anna Nagar Police Station, Anna Nagar, Chennai and to quash the entire proceedings against the petitioners.

For Petitioners: Mr.V. Palanikumar

For R1 : Mr.E.Raj Thilak,
Additional Public Prosecutor

For R2 : Mr.R. Dasaratharaman

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.3805 of 2015, on the file of the Vth Metropolitan Magistrate at Egmore, Chennai and Crime No.712 of 2015 on the file of the K-4, Anna Nagar Police Station, Anna Nagar, Chennai.

2.The case of the prosecution is that the petitioners along with other accused had a clash with the de facto complainant and



assaulted the 2nd respondent/defacto complainant on 10.11.2015. The 2nd respondent/de-facto complainant was admitted in the hospital and had complained about the same to the Police officials on 11.11.2015, due to which, the petitioners along with other accused were arrested and sent to judicial custody, later they were released on bail.

3. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves and also agrees to withdraw the case in C.C.No.3805 of 2015 on the file of the Vth Metropolitan Magistrate at Egmore, Chennai and Crime No.712/2015 on the file of the K-4 Anna Nagar, Police Station, Chennai.

4. A Joint compromise memo was filed by the petitioners and the 2nd respondent/de-facto complainant dated 02.12.2021. The petitioners and the 2nd respondent are present through Video conferencing. 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 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.405 of 2016, on the file of the 1st respondent Police.

6. This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.712 of 2015, on the file of the 1st respondent police, is quashed against the petitioners.

* Xerox copy of Joint Compromise
Memo Enclosed herewith.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

mp/mdl



To

1. The Vth Metropolitan Magistrate Court,
Egmore, Chennai.

2. Do Thro The Chief Metropolitan Magistrate,
Egmore, Chennai.

3. The Inspector of Police,
K-4, Anna Nagar Police Station,
Anna Nagar, Chennai.

4. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.V.Palanikumar, Petitioner Advocate, S.R.No.63392

CRL.O.P.No.21174 of 2021

NR(CO)
RGA(22/12/2021) (05/01/2022)