



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.21536 of 2021

1.Lokeshwari
2.Arvind Kumar

... Petitioners

Vs.

1.State represented by
The Inspector of Police,
Dhally Police Station,
Tiruppur District,
(In Crime No.506 of 2021)

2.Kantharasu

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in relation to the First Information Report in F.I.R.No.506 of 2021 on the file of the first respondent and quash the same.

For Petitioner : Mr.M.R.Thangavel

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

For R2 : Mr.P.K.Suriya

O R D E R

This Criminal Original Petition is filed to call for the records in relation to the First Information Report in F.I.R.No.506 of 2021 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.The gist of the case is that on 11.09.2021, the second respondent went to cinema along with his wife the first



petitioner herein and with his friend's daughter namely Mala. During the show, the first petitioner came out of the cinema hall and had called someone over her mobile phone. Thereafter all of them returned home at 01.00 a.m. on that night. Thereafter on 14.09.2021, it was found that the jewels weighing about 6.5 sovereigns of gold ornaments were found missing from the house. The second respondent got suspicion over the petitioners herein and had preferred a complaint to the first respondent police and a case in Crime No.506 of 2021 came to be registered, for offence under Sections 457 and 380 IPC.

4. In the mean time, it has been unanimously decided by the petitioners and the second respondent to put an end to all the litigation between them. To that effect, the second respondent/defacto complaint has filed an affidavit stating that he came to know that the jewels were actually taken by the petitioners herein so as to attend a function and in the meantime, he mistook the same and had preferred the above complaint to the first respondent police. He has gone through the application preferred by the petitioners herein seeking to quash the first information report. The second respondent as well as the petitioners had settled the issues among themselves so as to maintain the harmony within the family. Hence, he has no objection in quashing the above First Information Report in F.I.R.No.506 of 2021, pending investigation on the file of the first respondent.

5. The learned Additional Public Prosecutor appearing for the first respondent also confirms the same.

6. Under such circumstances, no useful purpose will be served in keeping the FIR 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 FIR in Crime No.506 of 2021, pending on the file of the first respondent.

7. Considering the submissions and on perusal of the materials, this Court finds that it is a dispute between the second respondent and his wife and brother-in-law. Now the second respondent and the first petitioner are living together and a girl child was born on 07.07.2021. Therefore, the issue between them is resolved and they have not inclined to pursue the complaint any more. In view of the same, this Court is inclined to allow this Criminal Original Petition.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.506 of



2021, pending on the file of the first respondent, is quashed on the terms of the affidavit filed by the second respondent, which shall form part and parcel of this order.

* Herein enclosed the Xerox copy of the Affidavit filed by the Second Respondent.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Dhally Police Station,
Tiruppur District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Anbu, Advocate SR. No.67649

Cr1.O.P.No.21536 of 2021

BS (CO)

PR (07/01/2022)