



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.22548 of 2021

and

Crl.M.P.No.12261 of 2021

1.Thennarasu  
2.Appu @ Mannivanan  
3.Dhanush  
4.Subash  
5.Appas @ Abash  
6.Murugan

...Petitioners /Accused 1 to 6

Versus

1.State Rep. by,  
Inspector of Police,  
Ulundurpet Police Station,  
Kallakurichi District,  
Crime No.269/2021.

... 1<sup>st</sup> Respondent/Complainant

2.Senkottaiyan

...2<sup>nd</sup> Respondents/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records in connection with the First Information Report in Crime No.269 of 2021 dated 03.04.2021 on the file of the Inspector of Police, Ulundurpet Police Station, Kallakurichi District and quash the same.

For Petitioners : Mr.S.Sathiaseelan

For Respondents : Mr.E.Raj Thilak for R1  
Additional Public Prosecutor  
Mr.S.Saravana Kumar for R2

O R D E R

The Criminal Original Petition has been filed to call for the records in connection with the First Information Report in Crime No.269 of 2021 dated 03.04.2021 on the file of



2. The case of the prosecution is that on 03.04.2021 the defacto complainant by name Senkottaiyan had lodged a complaint against the petitioners. The main allegation made in the First Information Report is that there was a previous enmity between the petitioners and defacto-complainant's family with regard to a land. On 03.04.2021 at about 11.30 a.m, the defacto-complainant along with his brother were going to land from their house. At that time, the petitioners formed an unlawful assembly with criminal intention, came along with deadly weapons and intervened the defacto-complainant and his brother. On the instigation of 6<sup>th</sup> petitioner, the other petitioners had abused using filthy language and assaulted his brother. In the meantime, the defacto-complainant had intervened them but the 5<sup>th</sup> petitioner slapped on his face and threatened him. While being so, co-villagers of the defacto-complainant had intervened and prevented the petitioners and saved the defacto-complainant and further the defacto-complainant took his brother and admitted in Government Hospital. In this connection, the defacto complainant request to take action on the above said petitioners. On the basis, the respondent police had lodged a complaint against the petitioner and the First Information Report was registered in Crime No.269/2021 for the alleged offence under Sections 147, 148, 341, 294(b), 323, 324, 506(ii) and 307 IPC.

3. The learned counsel for the petitioners submitted that the allegation against these petitioners are false, frivolous and motivated and no prima facie case made out against these petitioners. Now, after the intervention of respectable known persons, both the parties have come to a compromise. Hence, the petitioners have filed this petition to quash the FIR in Crime No.269 of 2021.

4. The case is still at the stage of investigation. By passage of time, the parties have decided to compromise the dispute amicably among themselves.

5. A Joint Compromise Memo dated 28.10.2021 has been filed by the petitioners and the second respondent/de-facto complainant before this Court. The 2<sup>nd</sup> respondent and the petitioners present before this Court. In the Joint Compromise Memo, it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled



their issues in Crime No.269 of 2021. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending. Even though, the offence involved is 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), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., inclined to quash the First Information Report in Crime No.269 of 2021.

7. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.269 of 2021, on the file of the 1<sup>st</sup> respondent police, is quashed and the terms of Joint Compromise Memo, shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

**ENCL: Xerox Copy of Joint Compromise Memo**

dna

To

1.The Inspector of Police,  
Ulundurpet Police Station,  
Kallakurichi District.

2.The Public Prosecutor  
High Court, Madras.

CrI.O.P.No.22548 of 2021  
and  
CrI.M.P.No.12261 of 2021

CA(CO)  
GN(20/01/2022)