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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.22916 of 2021

and

Cr1.M.P.No.12516 of 2021

- 1.Thilagavathi @ Thilagaveni
- 2.Amutha
- 3.Veera
- 4.Kesavan
- 5.Govindan @ Govindharaj
- 6.Mani
- 7.Vignesh

...Petitioners/Accused 2-8

Vs.

1. State represented by
The Inspector of Police,
Vaniyambadi - Taluk,
Vellore - District,
(Crime No.125 of 2017),

...1st Respondent/Complainant

2. A.Kannan

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.125 of 2017 on the file of the first respondent and quash the same.

For Petitioners: Mr.S.Gopi

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

O R D E R

This Criminal Original Petition is filed to call for the records in Crime No.125 of 2017 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 27.07.2017, the defacto complainant had gone to his work and he was informed by his



brother's daughter in law and daughter by name Kalaivani and Usha Rani respectively around 7.00 p.m., over phone that his daughter in law namely Sumithra, Wife of Sasikumar has died by hanging in the fan at house. Subsequently, these petitioners/accused who is none other than the elder sisters and paternal and maternal uncles of the said deceased along with others have caused damage to the window glass of the house, cot, bureau and other house hold articles of the defacto complainant, due to the anger, when they happened to see the dead body of one Sumithra by hanging and they threatened the relatives and village people, who were present in the scene of occurrence by showing a stick. Immediately around 09.00 p.m., after two hours from the intimation, the defacto complainant had rushed to his house and found that the things were damaged and it would worth about Rs.1,10,000/-. Hence the defacto complainant had lodged a complaint dated 28.07.2017, before the first respondent police and a case in Crime No.125 of 2017 came to be registered, for offence under Sections 147, 148 IPC and Sections 3(1) and 4 of the Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 and 506(ii) 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 after lapse of more than four years from the lodgment of the said FIR, a compromise has been arrived between the second respondent and the petitioners. In the present case, the impugned FIR was lodged in hot haste. However, with the intervention of the family members, relatives, some of village elders and common friends amicable settlement has taken place between the second respondent and the petitioners/accused and the second respondent believed that the settlement between the parties is going to result in harmony between them, which may improve their future relationship.

5. The misunderstanding that led to the registration of the subject FIR has been amicably resolved by and between the parties without any undue influence, pressure or coercion; no useful purpose will be served by proceedings arising therefrom and hence the subject FIR may be quashed by this Court as the second respondent give his free consent to quash the said FIR and he has no objection if the relief sought for in the present petition is granted by this Court.

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

7. 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 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 CrI 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the FIR in Crime No.125 of 2017, pending on the file of the first respondent.

8.Considering the submissions and on perusal of the materials, this Court finds that the entire episode has aroused due to the sudden un-natural death of the defacto complainant's daughter in law Sumithra, due to which the petitioners broke out of emotion and the occurrence had taken place. Now the issue has been resolved, peace restored between them and all are having cordial relationship. In view of the same, this Court is inclined to allow this Criminal Original Petition.

9.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.125 of 2017, 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. Consequently, the connected miscellaneous petition is closed.

* Xerox copy of Affidavit
Enclosed herewith.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Vaniyambadi - Taluk,
Vellore - District

2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.Gopi, Advocate, S.R.No.67765

CrI.O.P.No.22916 of 2021
and CrI.M.P.No.12516 of 2021

(CO)
RGA(12/01/2022)