



CrI.O.P.No.22915 of 2021

CrI.O.P.No.22915 of 2021

WEB COPY

M.NIRMAL KUMAR, J.

This matter taken up for hearing under the caption “For Being Mentioned” today at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner submitted that earlier, this Court, by an order dated 01.12.2021 quashed the First Information Report in Crime No.103 of 2021. However, in the said order, in paragraph-5, the crime number wrongly mentioned as Crime No.1699 of 2021 instead of Crime No.103 of 2021. Hence, the matter listed today.

3. Considering the above submission, the paragraph-5 of the order shall be substituted as follows:

“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



CrI.O.P.No.22915 of 2021

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 First Information Report in Crime No.103 of 2021, on the file of the 1st respondent police.”

4. Registry is directed to incorporate above correction in the Order of this Court in Cr.O.P.No.22915 of 2021 dated 01.12.2021 and issue fresh order copy to the petitioner.

13.04.2022

rpp



WEB COPY



Crl.O.P.No.22915 of 2021

M.NIRMAL KUMAR, J.

rpp

Crl.O.P.No. 22915 of 2021

13.04.2022



Crl.O.P.No.22915 of 2021

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.22915 of 2021

1. S.Sivashankar
2. R.Rajavaradha
3. R.Rajamouriya
4. M.Kumar

... Petitioners

Vs

1. State by its
Inspector of Police,
Mettupalayam Police Station,
Puducherry,
(Crime No.103/2021)

2. Sathishkumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the case in Crime No.103 of 2021 pending investigation on the file of the 1st Respondent and quash the same.

For Petitioners : Mr.K.G.Senthilkumar

For Respondent : Mr.V.Balamurugane
No.1 Public Prosecutor (Puducherry)

For Respondent : Mr.D.Senthilkumar
No.2



Crl.O.P.No.22915 of 2021

ORDER

This Criminal Original Petition has been filed to quash the case in Crime No.103 of 2021, pending investigation on the file of the 1st respondent Police.

2. The case of the prosecution is that the defacto complainant came to Puducherry, on 25.07.2021. At about 12 or 1.00 a.m., he entered into a petrol bunk in search of place for sleeping. At that time, four persons came there and enquired the defacto complainant that why he was staying there and assaulted him, poured petrol and set fire on him. The defacto complainant with the help of some persons went to Kathirkamam Hospital and they have given first aid and sent the defacto complainant to the Government hospital at Puducherry for further treatment. On the complaint of the defacto complainant, crime No.103 of 2021 was registered against the petitioners by the 1st respondent police under Section 307 r/w 34 IPC on 26.07.2021.



WEB COPY

3. 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.

4. The defacto complainant has filed an affidavit, dated 22.11.2021, stating that the issue has been settled between the parties amicably. He has also stated that he has filed the affidavit without any threat or coercion and according to his own will and wish. 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 Crl 10**, this Court in exercise of its jurisdiction under



Crl.O.P.No.22915 of 2021

Section 482 Cr.P.C., quashes the First Information Report in Crime No.1699 of 2021, on the file of the 1st respondent Police.

6. This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.103 of 2021, on the file of the 1st respondent police, is quashed.

01.12.2021

Index: Yes/No
Internet: Yes/No
sli

To

1. The Inspector of Police,
Mettupalayam Police Station,
Puducherry,
(Crime No.103/2021)

2.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.22915 of 2021

M.NIRMAL KUMAR, J.

sli

CRL.O.P.No.22915 of 2021

01.12.2021