



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM :

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.23603 OF 2021

AND

CRL.M.P.NO.12977 OF 2021

C.Mohan

...Petitioner / Accused

Versus

1.The Inspector of Police,
Puzhal Police Station,
Puzhal, Madhavaram.

...1st Respondent /
Prosecuting Complainant

2.M.Senthil

...2nd Respondent / Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.1121 of 2021 pending for investigation on the file of the first respondent police and to quash the same.

For Petitioner : Mr.N.Subbarayalu

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.1121 of 2021 pending for investigation on the file of the first respondent police and to 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 17.08.2021, the defacto complainant/second respondent made a complaint before the first respondent stating that when he was going to work at Central Puzhal Prison while approaching near the Prison Complex AB3



area, C.Mohan, 1st Grade Warden 5, made forceful attack on him and he was admitted as inpatient in the Government Stanley Hospital and taking treatment, hence requested for taking action against C.Mohan, the petitioner herein. Based on the complaint, the first respondent police had registered a case in Crime No.1121 of 2021 against the petitioner for offence under Sections 323 and 341 IPC.

4.In the mean time, it has been unanimously decided by the petitioner and the second respondent to put an end to all the litigation between them. To that effect, the second respondent and the petitioner have filed a joint memo of compromise stating that the petitioner and the defacto complainant/second respondent are the close relatives. The defacto complainant's wife is the cousin to the petitioner. After the offence committed and the complaint was lodged against the petitioner, the elders and family members of both family met, had compromise talk and settlement arrived amicably. In view of the compromise between the defacto complainant and the petitioner, the defacto complainant is willing to withdraw the complaint dated 17.08.2021 and not interested in proceeding the case. It is submitted that since the compromise arrived and settled the difference and enmity between the petitioner and the defacto complainant, they put their signatures consciously as both are in now cordial terms and the compromise arrived between them is without any compulsion and not arrived in order to quash the FIR registered in Crime No.1121 of 2021 now pending on the file of the first respondent police.

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 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 Crime No.1121 of 2021 on the file of the first respondent.

7.In view of the above said fact, 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.1121 of 2021 on the file of the first respondent, is quashed on the terms of the joint memo of compromise filed by the petitioner



and the second respondent, which shall form part and parcel of this order. Consequently, the connected miscellaneous petition is closed.

WEB COPY

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

ah

To

1.The Inspector of Police,
Puzhal Police Station,
Puzhal,
Madhavaram.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Subbarayalu, Advocate Sr.No.67648

CRL.O.P.No.23603 of 2021
and Crl.M.P.No.12977 of 2021

SJ(CO)
RVM(10/01/2022)