



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.25401 OF 2021

AND

CRL.M.P.NO.14077 OF 2021

1.Ramesh
2.S.Karthik

... Petitioners

Versus

1. State of Tamil Nadu,
The Inspector of Police,
R-4, Pondy Bazaar Police Station,
Pondy Bazaar,
Chennai - 600 017.

2. R.Raja

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for entire records in Crime No.566 of 2021 on the file of the first respondent police and quash the FIR against the petitioners.

For Petitioner : Mr.L.Infant Dinesh

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

For R2 : Mr.Shemanth Nag

O R D E R

This Criminal Original Petition is filed to call for entire records in Crime No.566 of 2021 on the file of the first respondent police and quash the FIR against the petitioners.

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 the petitioners and the defacto complainant are friends. The petitioners had taken few personal videos of the defacto complainant, for which they had extorted the defacto complainant's hard earned money to the tune of Rs.50,00,000/-, under undue threat of life and defamation. Hence the second respondent/defacto complainant had lodged a complaint before the first respondent police and a case in Crime No.1037 of 2021 for offence under Sections 384, 506(i) IPC and 66E of the Information Technology (Amendment) Act, 2008.

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 complainant has filed a counter affidavit stating that on reminding their friendship and smooth relationship as averted in the affidavit, he is inclined to accept the affidavit filed by the petitioners. The second respondent/defacto complainant had received the money complained in the FIR with due interest and he is lending consent to quash the proceedings concerned to the petitioners/accused. The second respondent/defacto complainant appeared through video conferencing. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

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 FIR in Crime No.566 of 2021, pending on the file of the first respondent police.

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



this order. Consequently, the connected miscellaneous petition is closed.

* Herein Enclosed the Xerox Copy of the Affidavit filed by the Defacto Complainant.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
R-4, Pondy Bazaar Police Station,
Pondy Bazaar,
Chennai - 600 017.

2. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.L.Infant Dinesh, Advocate, S.R.No.69878

CRL.O.P.No.25401 of 2021
and Crl.M.P.No.14077 of 2021

BS (CO)
RLP (07/01/2022)