

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP.NO.28005 OF 2019

AND

CRL.MP NO.14946 OF 2019

1. V.Prabhu

2. Nadhiya Petitioners/Accused 1 & 2

vs.

1. State by:-

The Inspector of Police,
H-1, Washermanpet Police Station,
Chennai.
(Crime No.367 of 2019)

... Respondent/Complainant

2. K.Madhan Mohan

... 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.367 of 2019 on the file of the first respondent Police and quash the same.

For Petitioners: Mr.T.Dhamodharan

For Respondent : Mr.C.Raghavan

Govt. Advocate (crl. Side) for R1
Mr.C.Deivasigamani, for R2

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ORDER

The Criminal Original Petition has been filed to quash the FIR in Crime No.367 of 2019, pending on the file of the first respondent.

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 Settlement Agreement entered into between the parties before the Medication and Conciliation Centre and the Mediation Report of the Mediator dated 18.01.2021 has been filed before this Court. The petitioners and the second respondent were also present and they were identified by Mr.Soundarapandi, Head Constable, H-1 Washermanpet Police Station, Chennai. In order to identify the respective parties they have also produced the copies of the Aadhaar Card and it is made part of the record. In the Settlement Agreement affidavit it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in Crime No.367 of 2019. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. 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 Gujrat), 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 First Information Report in Crime No.367 of 2019, on the file of the first respondent Police.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.367 of 2019, on the file of the first respondent police, is quashed and the terms of affidavits shall form part and parcel of this order. The petitioners shall pay a sum of Rs.2,500/- (Rupees Two thousand five hundred only) as costs, to the credit of the President, Tamil Nadu Advocates Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157), within a period of one week from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry. Consequently, the connected miscellaneous petition is closed.

* Xerox copy of Settlement Agreement,
dated 18.01.2021 enclosed

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

jv

To

1. The Inspector of Police,
H-1, Washermanpet Police Station,
Chennai.
2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

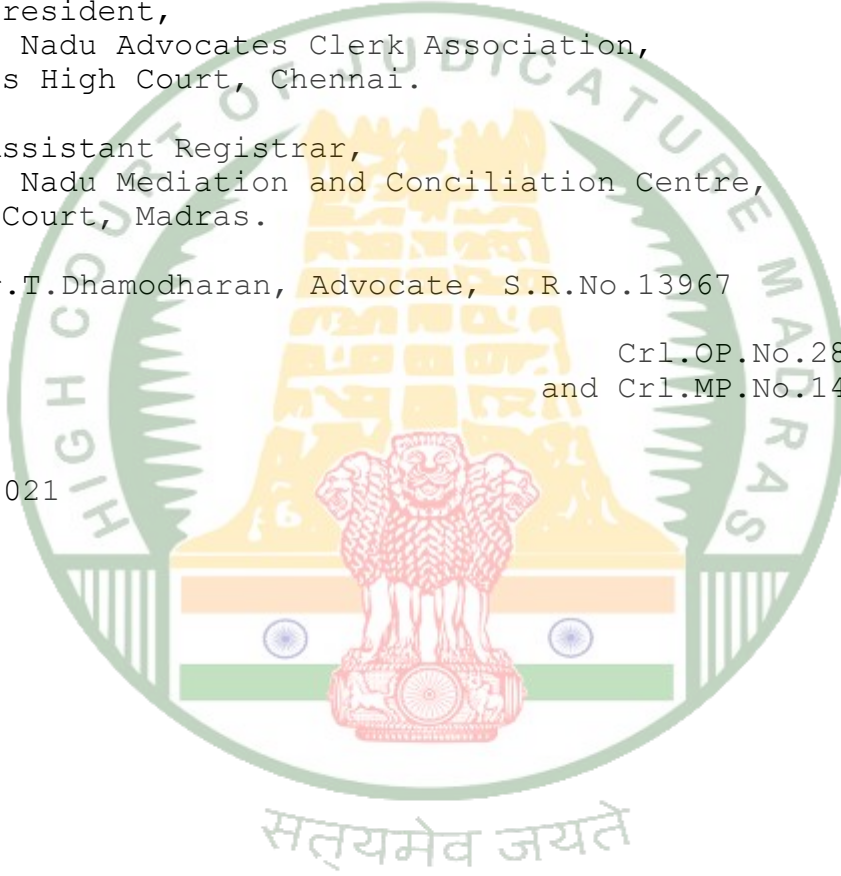
Copy To

1. The President,
Tamil Nadu Advocates Clerk Association,
Madras High Court, Chennai.
2. The Assistant Registrar,
Tamil Nadu Mediation and Conciliation Centre,
High Court, Madras.

+2cc to Mr.T.Dhamodharan, Advocate, S.R.No.13967

Crl.OP.No.28005 of 2019
and Crl.MP.No.14946 of 2019

GPL (CO)
CS/08/04/2021



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