



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

WEB COPY

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.2142 of 2022

1.Balasubramaniam

2.V.Naresh Kumar

... Petitioners/Accused

Vs.

1.State of Tamil Nadu

Inspector of Police,

B-2, Esplanade Police Station,

Chennai 600 079.

...1st Respondent/Complainant

2.B.Sivakumar

...2nd Respondent/De-facto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to FIR No.2 of 2022 on the file of the 1st respondent police and quash the same.

For Petitioners

:

Mr.M.Illiyas

For Respondent No.1

:

Mr.E.Raj Thilak

Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed to call for the records relating to FIR No.2 of 2022, on the file of the first respondent police and quash the same.

2.The case of the prosecution is that the defacto complainant is working as a driver. On 05.01.2022, at about 9.00A.M., when the defacto complainant was driving his cab bearing Registration No.TN03AA9487 with the DLF staff near North Port Road, Dental Medical College, the petitioners tried to hit the cab by using their two wheeler bearing Registration No.TN11 E 0643 - Yamaha R15. When the same was questioned by the defacto complainant, the petitioners attacked the defacto complainant by using filthy language, thereby, the defacto complainant got injured and he was admitted in G.H.Government Hospital by his wife. On the complaint lodged by the defacto complainant, FIR was registered in Crime No.2 of 2022 on 05.01.2022.



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 24.01.2022, 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. A joint compromise affidavit, dated 24.01.2022, and the Aadhar Cards of the parties have also been filed. 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 Cr1 10), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No.2 of 2022, on the file of the 1st respondent Police.

6. This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.2 of 2022, on the file of the 1st respondent police, is quashed.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
B-2, Esplanade Police Station,
Chennai 600 079.

2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.2142 of 2022

NK(CO)
GN(28/02/2022)