



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.6552 OF 2022

S.Vijayvarma

... Petitioner

Vs.

1. The State represented by,
Sub-Inspector of Police,
F-2 Thousand Lights Police Station,
Chennai.

2. C.Karthik

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records pertaining to the case pending investigation in Crime No.390 of 2021 on the file of the respondent police and quash the same as against the petitioner.

For Petitioner : Ms.Shanmitha.S

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to call for the records pertaining to the case pending investigation in Crime No.390 of 2021 on the file of the respondent police and 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. A Joint Memo of Compromise dated 31.01.2022 has been filed before this Court, which have been signed by the petitioner and the 2nd respondent and also by their respective



counsel. The petitioner and the 2nd respondent were also present in person before this Court and they were identified by their respective counsel. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. The relevant portion of the Joint Memorandum of Compromise dated 31.01.2022 is extracted hereunder :-

1) This petition is filed by the petitioner/accused seeking to quash the FIR in Crime No.390 of 2021 dated 16.12.2021 for the offences under Sections 341, 294 (b), 323 and 506(i) of IPC pending on the file of the 1st respondent police.

2) On 16.12.2021, the 2nd respondent along with his friends went to a coffee shop named ''Coffee since 1999''; that the petitioner had an altercation with the 2nd respondent; that the petitioner hurled abuses and assaulted the 2nd respondent; that the petitioner also threatened the 2nd respondent of killing him; that the 2nd respondent lodged a complaint before the 1st respondent; that the 1st respondent was pleased to register an FIR in the above mentioned Crime No.

3) The petitioner has tendered an apology to the 2nd respondent for his actions and he has also undertaken that this action of his will not happen in the future, therefore the 2nd respondent under the aid and advice of elders and mediators is not interested to pursue the FIR in Crime No. 390 of 2021.

In these circumstances it is prayed that this Hon'ble Court may be pleased to accept their Joint Memo of Compromise and quash the First Information Report in Crime No.390 of 2021 on the file of the Sub Inspector of Police, F4-Thousand Lights Police Station, Chennai as against the petitioner and pass any such further or other orders as this Hon'ble Court may deem fit and proper in the interest of the case and thus render justice.

5. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending, even though, the offences involved are non 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), this Court in exercise of its jurisdiction



under Section 482 Cr.P.C. quashes the First Information Report in Crime No.390 of 2021.

6. Petitioner is directed to pay a sum of Rs.5000/- as costs to the Credit of the Tamil Nadu Advocate Clerks Association and produce the receipt.

7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.390 of 2021, on the file of the 1st respondent police, is quashed and the terms of Joint Memo of Compromise dt. 31.01.2022 shall form part and parcel of this order.

* Herein Enclosed the Xerox Copy of the Joint Memo of Compromise dated 31.01.2022.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

rgi/ham

To

1. The Sub-Inspector of Police,
F-2 Thousand Lights Police Station,
Chennai.
2. The Public Prosecutor,
High Court of Madras.
3. The Tamil Nadu Advocate Clerks Association,
High Court of Madras.

Copy To

The Section Officer,
Criminal Section,
High Court, Madras.

+2ccs to M/s.Shanmitha.S, Advocate, S.R.No.20482
+1cc to M/s.S.Kathiravan, Advocate, S.R.No.20311

Cr1.O.P.No.6552 of 2022

SPD(CO)
RLP(29/04/2022)