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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.8405 OF 2022

Dhatchanamoorthis

... Petitioner/Sole Accused

.Vs.

1. The Inspector of Police,
Kedar Police Station,
Villupuram District.

... 1st Respondent/Complainant

2. D.Vinoth Kumar

... 2nd Respondent/Defacto
Complainant

PRAYER:-

This Criminal Original Petition filed under Section 482 of Cr.P.C.,to call for the records relating to the proceedings in S.T.C.No.615/2021 on the file of the learned Judicial Magistrate-II, Villupuram and quash the same.

For Petitioner : Mr.P.Surendran

For Respondent : A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.615 of 2021 pending on the file of the learned Judicial Magistrate-II, Villupuram for the offences punishable under Sections 294(b) and 323 of IPC.

2. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. Learned Counsel for the petitioner would submit that the petitioner and the de-facto complainant are father and son. He would further submit that the incident had happened during a



domestic quarrel between the father and son, during which, the father has assaulted the son and now the parties have decided to compromise the matter and the offences are also compoundable in nature.

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4. An affidavit has been filed before this Court, which have been signed by the second respondent/de facto complainant and his counsel. The petitioner and the second respondent are present in person before this Court and they were identified by the respondent Police and the counsel for the petitioner. This Court also enquired both the parties and is satisfied that the parties have come to an amicable settlement between themselves. The relevant portion of the affidavit dated 29.03.2022 filed by the 2nd respondent/defacto complainant is extracted hereunder:-

"2. I submit that the petitioner above named to prefer this memorandum of criminal original petition as against the S.T.C.No.615/2021 on the file of the learned Judicial Magistrate II, Villupuram for various grounds is outlived in this criminal original petition.

3. I respectfully submit that the case of the prosecution is that the petitioner is my father. Both are living same house along with the petitioner's sister, who is widow. The petitioner's sister's husband demised a past 20 years. Since she stayed with the petitioner. In this circumstances on 22.07.2020 at about 7.00 a.m I Had quarrelled with the petitioner regarding to vacate the petitioner's sister from home and same was refused by him. Hence the petitioner assaulted the defacto complainant with wooden log and I am also assaulted the petitioner.

4. I further submit that both are lodged complaint against each other. Hence the 1st respondent has registered the FIR against me in Crime No.1230/2020 and Crime No.1230/2020 registered against my father (Petitioner herein). Thereafter the petitioners and me were compromised each other. There is no dispute between me and my father to till date.

5. I further submit that I have filed a quash petition before this Court in CrI.O.P.No.13526/2021 against Crime No.1230/2020 and the same was quashed by this Court by compromised affidavit filed by the petitioner."



5. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending, even though, some of the offences involved are 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 proceedings in S.T.C.No.615/2021.

6. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in S.T.C.No.615 of 2021 on the file of the learned Judicial Magistrate-II, Villupuram, is quashed and the terms of affidavit shall form part and parcel of this order.

* Xerox Copy of Affidavit of Dhatchanamoorthi is enclosed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vkrr/nti

To

1. The Judicial Magistrate No.II,
Villupuram.
2. -Do Thro the Chief Judicial Magistrate,
Villupuram.
3. The Inspector of Police,
Kedar Police Station,
Villupuram District.
4. The Public Prosecutor,
High Court of Madras.

+2ccs to Mr.D.Sathiyaseelan, Advocate, S.R.No.25709

CRL.O.P.NO.8405 OF 2022

GPL(CO)
PBS/29/04/2022