



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.8222 of 2022

1.Ramesh
2.Daniel

... Petitioners/Accused 1 & 4

Vs.

1. State rep by the
The Inspector of Police,
D-6, Anna Square Police Station,
Chennai.
(Crime No.128 of 2014)

... 1st Respondent/Complainant

2. Vishal Kumar

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in Crime No.128 of 2014 pending investigation on the file of the 1st respondent police and quash the same.

For Petitioners : Mr.G.Sarath Kumar

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor for R1

Mr.S.Rahamathulla for R2

O R D E R

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.128 of 2014 on the file of the 1st respondent police, for the offences punishable under Sections 341, 324 and 506(ii) IPC.

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 has been filed before this Court, which have been signed by the petitioners and the second respondent/de-facto complainant and both the parties are present 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. The Compromise Memo dated 07.04.2022 is extracted hereunder :-

'2.It is humbly submit that the case of the prosecution is that on 21.03.2014 2nd party have lodged the complaint before the respondent Police stating that he is studying B.Sc Psychology 1st year in Presidency College. On 21.03.2014, while he returning home from college, with the previous enmity, 2nd party and the fellow students restrained and then attacked him in his head and back by the wooden log within the campus and thereatened him to dire consequences and then they fled from the scene. He was fainted and my classmates rushed him to the Government Royappet Hospital by 108 ambulance for treatment. Where the respondent police came and received the complaint and based on that the FIR (Crime No.128 of 2014) was registered under Section 341, 324 and 506(ii) of IPC.

3.It is submit that during complaint on a frustrated and aggravated state of mind he gave a statement before the 1st respondent. Based on his complaint, the said case was registered arraying the 1st party as accused. Now the anger and anguish has been watered down. Both the parties living with the good relationship. Further on the interference of elders of the both the family and well wishers want to settle this dispute amicably and hene it was decided by both the parties to settle our dispute amicably between us for the welfare of our future and family.

4.It is submit that there is no previous enmity between 1st and 2nd parties. The continuation of proceedings in this case will amount to only an abuse of process of law and legal proceedings. On an aggravated mood when no fault on the 1st party herein 2nd party made such statement before the 1st respondent herein. At present, after realizing the entire fact 1st party not interested in perusing on his statement and complaint in this case.

5.It is submit that both parties are running peaceful life and good relationship with each other. The FIR filed against the 2nd party will be a great



disruption to both the parties and their family. So, that both the parties ready amicably settle this matter by the way of moving FIR quash before this Court.'

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), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.128 of 2014.

5. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.128 of 2014, on the file of the first respondent police, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

* Xerox copy of the Joint Memo of Compromise is enclosed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

vkr/nti

To

1. The Inspector of Police,
D-6, Anna Square Police Station,
Chennai.
2. The Public Prosecutor,
High Court of Madras.

+1cc to M/s.T.A.Narendar, Advocate, S.R.No.24858

Cr1.O.P.No.8222 of 2022

SKM(CO)
SU(22/04/2022)