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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.9701 OF 2022

1. S.Mannankatti
2. M.Murugan
3. M.Selvi
4. M.Chandru
5. M.Sathish
6. S.Govindharaj
7. S.Arumugam
8. A.Saravanan
9. K.Loganathan
10. G.Manikandan
11. V.Prashant
12. V.Prabhakaran

.. Petitioners/Accused

-Vs-

1. State rep. by,
The Inspector of Police
Chitamur Police Station
Chengalpattu
(Crime No.56 of 2022)
2. P.Arumugam

.. Respondents/
Complainant & Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records in Crime No.56 of 2022 on the file of the first respondent and quash the same.

For Petitioners : Ms.C.Saranya
For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor for R1

O R D E R

This Criminal Original Petition has been filed to call for the records in Crime No.56 of 2022 on the file of the first respondent.



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

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3. The petitioners and the second respondent were present in person before this Court and they were identified by the respondent Police and by the learned counsel for the petitioners. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The second respondent has filed an affidavit to that effect. The relevant portion of the affidavit filed by the second respondent is extracted hereunder:

"1. I submit that I am the second respondent herein as such i am such well acquainted with the facts of the case.

2. I state that the case of the prosecution was that on 06.03.2022 at about 5.00p.m., the first petitioner had wantonly untied his cow to grass in my agriculture land, on questioning the first petitioner alleged to abuse and assault me by using hands, in continuation on 07.03.2022 at about 11 a.m., the petitioners alleged to trespass into my house and assaulted my family members with filthy language and further at 12 a.m. they threatened that they will do away the life of me. Hence the above case.

3. I state that based on the complaint given by me the first respondent registered a case in crime No.56 of 2022 for the offences under Sections 147, 148, 294(b), 323, 324, 506(1) of IPC and Section 4 of Women Harassment Act, 2002 and further based on the complaint given by the first petitioner a counter case was registered by the first respondent in Crime No.57 of 2022 for the offences under Sections 147, 148, 294 (b), 323, 324, 506(1) of IPC.

4. I state that since my family members and the second respondent family members were belonging to same locality, a mediation was conducted in front of the elders of the village, both the family members decided to settle the dispute in an amicable manner and there by both the family members decided to withdraw the case and counter case by filing appropriate compromise affidavit before this Hon'ble Court.



5. I submit that pursuant to the above compromise I undertake to file a supporting affidavit to quash the above case and thereby I am filing this affidavit with full conscious and on my own will.

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6. I submit that I will be greatly prejudiced if the case in Crime No.56 of 2022 on the file of the first respondent is not quashed."

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 Gujrath), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the proceedings in Crime.No.56 of 2022.

5. Accordingly, this Criminal Original Petition is allowed and as a sequel, the proceedings in Crime.No.56 of 2022 on the file of the respondent police, is quashed and the affidavit filed by the second respondent shall form part and parcel of this order.

* Herein Enclosed the Xerox Copy of the Affidavit filed by the Second Respondent.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

gsk

To

1. The Inspector of Police
Chitamur Police Station
Chengalpattu
(Crime No.56 of 2022)
2. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.9701 of 2022

AJS (CO)
RLP (20/05/2022)