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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.Nos.9186 & 9189 of 2022

A.Prabakaran .. Petitioner in Crl.O.P.No.9186 of 2022

1.D.Deenadayalan

2.Darvin Kumar .. Petitioners in Crl.O.P.No.9189 of 2022

Vs

1. The Inspector of Police,
E-5 Sholavaram Police Station,
Tiruvallur District.

2. D.Deenadayalan .. Respondents in Crl.O.P.No.9186 of 2022

1. The Inspector of Police,
E-5 Sholavaram Police Station,
Tiruvallur District.

2. A.Prabakaran .. Respondents in Crl.O.P.No.9189 of 2022

COMMON PRAYER: Criminal Original petitions are filed under Section 482 of Criminal Procedure Code, to call for records and quash the FIR registered in Crime Nos.40 and 41 of 2022 dated 24.01.2022 pending on the file of the first respondent.

In both Crl.O.Ps

For Petitioners: Mr.K.Shyam Sunder

For Respondents

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

COMMON ORDER

These Criminal Original Petitions have been filed, to call for records and quash the FIR registered in Crime Nos. 40 and 41 of 2022 dated 24.01.2022 pending on the file of the first respondent.



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.

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3. A Joint Memo of Compromise has been filed before this Court, which have been signed by the petitioners and the second respondents in both the cases and also by their respective counsel. The petitioners and the second respondents were also present in person before this Court and they were identified by the respondent Police and their respective counsels. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The relevant portion of the Joint Memo of Compromise dated 09.04.2022 is extracted hereunder:

"1. The First Part shall not interfere in any of the future endeavors of the Second Part.

2. The Second Part shall not interfere in any of the future endeavors of the First Part.

3. The case registered by the Second Part before the E-5 Sholavaram Police in Crime No.40 of 2022 shall be withdrawn herein.

4. The case registered by the Second Part before the E-5 Sholavaram Police in Crime No.41 of 2022 shall be withdrawn herein.

5. The parties to the First Part and Second Part shall agree and give their consent of undertaking that they shall not withdraw the Criminal O.P. filed under Sec.482 of the Cr.P.C. for quash for FIR No.40 of 2022 and 41 of 2022 filed against each of them herein.

6. The parties to the First Part and Second Part shall separately file a case before the Hon'ble High Court of Madras at Chennai for quash of the FIR."

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 Reports in Crime Nos.40 and 41 of 2022.

5. Accordingly, these Criminal Original Petitions are allowed and as a sequel, the proceedings in Crime Nos.40 and 41



of 2022 on the file of the first respondent police are quashed and the terms of joint compromise memo dated 09.04.2022 shall form part and parcel of this order.

(* Joint Memorandum of Compromise Xerox copies enclosed)

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gsk/drm

To

1. The Inspector of Police,
E-5 Sholavaram Police Station
Tiruvallur District.
2. The Public Prosecutor,
High Court of Madras.

Cr1.O.P.Nos.9186 & 9189 of 2022

SPD(CO)
SP(17/05/2022)