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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.13086 OF 2022

1. Kumar
2. Anandhakumar
3. Ravikumar
4. Arunkumar
5. Ajithkumar
6. Arun @ Arunkumar

... Petitioners

Versus

1. The State by the
Inspector of Police,
D2 Anna Salai Police Station,
Chennai-600 002.
Crime No.395 of 2019
2. Prakash

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in S.C.No.357 of 2021 on the file of the XXII Additional Sessions Court, Allikulam, Chennai and quash the same.

For Petitioners	:	M/s.S.Lokesh for Mr.C.Raja
For Respondent 1	:	Mr.Leonard Arul Joseph Selvam Government Advocate(Crl.side)

O R D E R

The Criminal Original Petition has been filed to quash the proceedings in S.C.No.357 of 2021 on the file of the learned XXII Additional Sessions Court, Allikulam, Chennai, for the offences punishable under Sections 147, 148, 341, 294(b), 324, 307 and 506(ii) of IPC.

2. The allegations in the FIR indicates that while defacto complainant along with her sister travelling in a motor cycle, there was a quarrel between the defacto complainant and accused



party, which resulted in physical violence and thereafter, the law was set in motion and the accused have been charged for the offences referred above. Now, the accused have appeared before this Court and filed this petition.

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

4. A consent Affidavit has been filed before this Court, which has been signed by the 1st petitioner and the second respondent and also by their respective counsels. All the accused, defacto complainant were also present in person before this Court and they were identified by this Court as well as Mr. R. Krishnan, Sub-Inspector of Police/Investigating Officer and one Jothi, the witness said to have been injured is also identified by the respondent police. They have also stated that since the dispute arose is due to the sudden fight and in order to ensure the cordiality and peace, they have agreed to settle the matter and decided not to prosecute further. Though the offence under Section 294(b) of IPC is not compoundable, as the offence is purely arose out of the petty quarrel and no serious injuries caused and no impact on the society. This Court had also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. Under such circumstances, no useful purpose would be served in keeping the proceedings in S.C.No.357 of 2021 pending, and 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 of Cr.P.C. quashes the proceedings in S.C.No.357 of 2021.

6. This Court is of the view that continuing the prosecution would not serve any purpose, as the witnesses themselves decided not to further prosecute the matter. Hence, the proceedings in S.C.No.357 of 2021 on the file of the learned XXII Additional Sessions Court, Allikulam, Chennai is quashed. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The XXII Additional Sessions Court,
Allikulam, Chennai.

2. The Inspector of Police,
D2 Anna Salai Police Station,
Chennai-600 002.

3. The Public Prosecutor
High Court, Madras.

+2ccs to M/s.C.Raja, Advocate, S.R.No.33299

Cr1.O.P.No.13086 of 2022

PL(CO)
RLP(21/06/2022)