

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.13749 OF 2022

Ashok

... Petitioner/
Accused

Versus

1. The State rep.by,
Inspector of Police,
T2-Ambattur Estate Police Station,
Chennai.

2. Vadivel

... Respondents/
Complainant

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the FIR in Crime No.1331 of 2016 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.Krishnasamy Chinnasamy for
Mr.R.Naresh Kumar

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For R2 : Mr.R.Dheebika

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.1331 of 2016, on the file of the 1st respondent Police, for the offence under Sections 341, 294(b), 336, 427, 392, 397 and 506(ii) of IPC.

2.As the parties have decided to compromise the dispute amicably among themselves, they have filed the present petition to quash the FIR in view of the compromise entered between the parties.

3.The petitioner and the 2nd respondent filed Joint Compromise Memo to the effect that the petitioner and the 2nd respondent compromised the issue and hence, the proceedings against the petitioner may be quashed.

4.The petitioner and the 2nd respondent are present before this Court and they were identified by Mr.K.Chandrasekar, Special Sub Inspector of Police, who is also present at the time of hearing. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card and it is made part of the record. In the petition, it has been stated that the petitioner and the 2nd respondent have entered into a compromise and amicably settled their issues in Crime No.1331 of 2016. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5.The learned Additional Public Prosecutor appearing on behalf of the 1st respondent Police submitted that though the parties entered into a compromise while this case is pending, this Court, taking into account the seriousness of the offence has to consider the issue as to whether an offence of this nature can be quashed on the ground of compromise between parties.

6.The main issue that requires consideration of this Court is as to whether this Court can quash the criminal proceedings involving non-compoundable offences pending against the petitioner. The Hon'ble Supreme Court in the case of Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat, reported in 2017 9 SCC 641 and in case of The State of Madhya Pradesh Vs. Dhruv Gurjar and Another reported in (2019) 2 MLJ Cr1 10, has given sufficient guidelines that must be taken into consideration by this Court while exercising its jurisdiction under Section 482 of Cr.P.C, to quash non-compoundable offences. One very important test that has been laid down is that the Court must necessarily examine if the crime in question is purely individual in nature or a crime against the society with overriding public interest. The Hon'ble Supreme Court has held that offences against the society with overriding public interest even if it gets settled between the parties, cannot be quashed by this Court.

7.In the present case, the offences in question are purely individual/personal in nature. It involves the petitioner and the 2nd respondent and their respective families only. Quashing the FIR, will not affect any overriding public interest in this case. No useful purpose will be served in continuing with the criminal proceedings and keeping the FIR pending will only swell

the mental agony of the petitioner, 2nd respondent and their families.

8. In view of the above, this Court is inclined to quash the FIR in Crime No.1331 of 2016, on the file of the 1st respondent Police, in exercise of its jurisdiction under Section 482 Cr.P.C.

9. Accordingly, this Criminal Original Petition is allowed and the FIR in Crime No.1331 of 2016, on the file of the 1st respondent Police, is quashed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
T2-Ambattur Estate Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.

+5ccs to Mr.Krishnasamy Chinnasamy, Advocate, S.R.No.38603

CRL.O.P.No.13749 of 2022

VGII(CO)
PM/11/07/2022