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CRL.O.P.No.13491 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.No.13491 of 2022

1.Muhamath Ali

2.Kumaravelu alias Kumar

... Petitioners

Versus

1.The State Rep by,
Inspector of Police,
Kanathur Police Station,
Adyar,
Chennai.

2.Sakthivel

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pursuant to the Crime No.17 of 2022 pending investigation on the file of the 1st respondent Police, and quash the same by allowing this Criminal Original Petition.

For Petitioners : Mr.Adhikesavan

For R1 : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

For R2 : Mr.V.T.Srinivasan



CRL.O.P.No.13491 of 2022

WEB COPY

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.17 of 2022, pending on the file of the 1st respondent Police, for offence under Sections 294(b), 323 and 324 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 petitioners and the 2nd respondent filed Joint Compromise Memo to the effect that the petitioners and the 2nd respondent compromised the issue and hence, the proceedings against the petitioners may be quashed.

4.The petitioners and the 2nd respondent are present before this Court and they were identified by the learned Additional Public Prosecutor. In order to identify the respective parties, they have also



CRL.O.P.No.13491 of 2022

produced the copies of the Aadhaar Card and it is made part of the record. In the petition, it has been stated that the petitioners and the 2nd respondent have entered into a compromise and amicably settled their issues in Crime No.17 of 2022. This Court 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 will be served in keeping the First Information Report pending, even though, the offences involved are not compoundable in nature. 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 CrI 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



CRL.O.P.No.13491 of 2022

WEB COPY

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.

6.In the present case, the offences in question are purely individual/personal in nature. It involves the petitioners 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.

7.In view of the above, this Court is inclined to quash the FIR in Crime No.17 of 2022, on the file of the 1st respondent Police, in exercise of its jurisdiction under Section 482 Cr.P.C.



CRL.O.P.No.13491 of 2022

WEB COPY

8. Accordingly, this Criminal Original Petition is allowed and the FIR in Crime No.17 of 2022, on the file of the 1st respondent Police, is quashed against the petitioners.

28.06.2022

Index: Yes/No

Internet: Yes/No

vv2

To

1. The Inspector of Police,
Kanathur Police Station,
Adyar,
Chennai.

2. The Public Prosecutor,
High Court, Madras.



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CRL.O.P.No.13491 of 2022

N.SATHISH KUMAR, J.

vv2

CRL.O.P.No.13491 of 2022

28.06.2022