

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.No.13838 of 2022

1.B.Sudhakar
2.Rajan

... Petitioners

Versus

1. State of Tamil Nadu,
Inspector of Police,
N-2, Kasimedu Police Station,
Chennai.

2. J.karthick

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to F.I.R.No.709 of 2019 on the file of 1st respondent Police and quash the same.

For Petitioners : Mr.M.Illiyas

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

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.709 of 2019, pending on the file of the 1st respondent Police, for offence under Sections 147, 148, 323, 324 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 petitioners and the 2nd respondent filed Joint Compromise Affidavit 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 Mr.N.Balasubramani, Sub Inspector of Police, N-2, Kasimedu Police Station, Chennai, 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 petitioners and the 2nd respondent have entered into a compromise and amicably settled their issues in Crime No.709 of 2019. 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 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.

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.709 of 2019, on the file of the 1st respondent Police, in exercise of its jurisdiction under Section 482 Cr.P.C.

8. Accordingly, this Criminal Original Petition is allowed and the FIR in Crime No.709 of 2019, on the file of the 1st respondent Police, is quashed against the petitioners.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
N-2, Kasimedu Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.13838 of 2022

BP (CO)
PR (21/07/2022)