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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.14031 of 2022

Arumugasami

... Petitioner/Accused No.1

Versus

1.State rep by its,
The Inspector of Police,
J-9, Thuraipakkam Police Station,
Chennai.

...1st Respondent/Complainant

2.R.Venkatesan

...2nd Respondents/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records Quash the First Information Report in Crime No.17 of 2022 pending on the file of the 1st respondent as against the petitioner herein.

For Petitioner :Mr.D.Padmanabhan

For R1 :Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.17 of 2022, on the file of the 1st respondent Police, for the offence under Sections 294(b), 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 2nd respondent filed an affidavit 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.S.Suresh, 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.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, some of the offences involved are not compoundable in nature. The Hon'ble Supreme Court in the case of Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath, 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 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.

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.



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 petitioner.

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Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

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To

1.The Inspector of Police,
J-9, Thuraipakkam Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.14031 of 2022

VG-II(CO)
CB(07/07/2022)