



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.17181 OF 2021

1.Devaraj
2.Munikrishnan
3.Thimmarayappa
4.Nanjamma
5.Muralimohan ...Petitioners / Accused 1 to 5

Versus

1.The State,
Rep by the Inspector of Police,
HUDCO Police Station,
Krishnagiri District.
2.Santhamma ...Respondents / Complainant
Defacto Complainant

Prayer : This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records pertaining to Crime No.1015 of 2020 pending on the file of the 1st respondent and quash the same by allowing the present Criminal Original Petition.

For Petitioner : Mr.R.Jayaprakash
For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor
For R2 : Mr.B.Siddeswaran

O R D E R

The Criminal Original Petition has been filed to call for the entire records in Crime No.1015 of 2020 on the file of the first respondent police and quash the FIR against the petitioner.

2. The case of the prosecution is that on 14.06.2020, the first petitioner damaged the second respondent / defacto complainant's house and when the defacto's son and husband confronted the act of the first petitioner, the petitioners



jointly attacked them and abused the second respondent's family with filthy language and damaged the PVC pipes and CCTV. Hence, the de-facto complainant filed a complaint against the petitioners and FIR was registered in Crime No.1015 of 2020 for the offences under Sections 147, 294(b), 323, 427 & 506(i) IPC.

3. The learned counsel for the petitioners submitted that the petitioners are law abiding persons and they have not committed any offence as alleged in the Charge Sheet. The petitioners and the de-facto complainant are neighbours and there was previous enmity between them. The FIR was lodged against the petitioners in a fit of anger. Now, both the parties have come to a compromise. Hence, the petitioners have filed this petition to quash the FIR in Crime No.1015 of 2020.

4. The case is still at the stage of investigation. By passage of time, the parties have decided to compromise the dispute amicably among themselves.

5. The Affidavit dated 23.08.2021 has been filed by the 2nd respondent/de-facto complainant before this Court. The 2nd respondent and petitioners present through Video conferencing. In the affidavit, it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in Crime No.1015 of 2020. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending. Even though, the offence involved is 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 Cr.P.C., inclined to quash the First Information Report in Crime No.1015 of 2020.

7. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.1015 of 2020, on the file of the 1st respondent police, is quashed and the terms of affidavit shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed

Encl.: Xerox Copy of the Affidavit of
2nd Respondent dt.23.08.2021

Sd/-
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

jas/bkn



To

1.The Inspector of Police,
HUDCO Police Station,
Krishnagiri District.

2.The Public Prosecutor
High Court, Madras.

+2ccs to Mr.R.Jayaprakash, Advocate Sr.No.4102

Crl.O.P.No.17181 of 2021

GMR(CO)
RVM(11/02/2022)