



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.19157 of 2021 & 4239 of 2022
and
Crl.M.P.No.10477 of 2021 & 2127 of 2022

1. Venkatesh Mohanraj
2. K.Shanthalakshmi
3. Ranjith

... Petitioners/Accused in Crl.O.P.No.19157 of 2021

1. P.Raja
2. Manikandan
3. Hari
4. Ramachandran

... Petitioners/Accused in Crl.O.P.No.4239 of 2022

Vs.

1. The State Represented by,
The Inspector of Police,
E5 Koovathur Police Station,
Koovathur,
Chengalpet District - 603 305.

... 1st Respondent in both Crl.O.Ps.

2. P.Raja ...2nd Respondent in Crl.O.P.No.19157 of 2021

- 3.Venkatesh Mohanraj ...Respondent in Crl.O.P.No.4293 of 2022

PRAYER in Crl.O.P.No.19157 of 2021: This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, pleaded to call for the records and quash the proceedings initiated by the 1st respondent police in Cr.No.364 of 2021, pending investigation on the file of the 1st respondent police.

PRAYER in Crl.O.P.No.4239 of 2022: This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, pleaded to call for the records and quash the proceedings initiated by the 1st respondent police in Cr.No.21 of 2021 under Sections 294(b), 143, 341, 447, 383 and 506(i) of IPC pending investigation on the file of the 1st respondent police.



For Petitioners :Mr.M.Velmurugan (Crl.O.P.No.19157 of 2021)
Mr.P.Senthilkumar (Crl.O.P.No.4239 of 2022)

For Respondents :Mr.A.Gokulakrishnan
(in both Crl.O.Ps) Additional Public Prosecutor for R1

Mr.M.Velmurugan for R2-Crl.O.P.4239 of 2022
Mr.P.Senthilkumar for R2-Crl.O.P.19157 of 2021

C O M M O N O R D E R

These Criminal Original Petitions have been filed to quash the First Information Report in Cr.No. 364 of 2021 and Cr.No.21 of 2021 on the file of the first respondent police.

2. The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. A Joint Memo of Compromise has been filed before this Court, which have been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by their respective counsel. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves. The joint memo of compromise signed by the parties are extracted hereunder :-

"1.The petitioner in Crl.O.P.No.19153 of 2021 has filed the petition to transfer the F.I.R in Crime No.21 of 2021 on the file of the respondent police.

2.The petitioners in Crl.O.P.No.19157 of 2021 have filed the petition to quash the F.I.R in Crime No.364 of 2021 on the file of the respondent police.

The Affidavits filed by the Complainants in Crime No.21 and 364 of 2021 on the file of the respondent police is herewith annexed and marked as Annexure A and B.

3.The parties submit that during the pendency of the above petition on the file of this Hon'ble Court in order to bring amity and to avoid acrimonious litigation the parties have decided to



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mutually settle the issue and the parties had after deliberations in between them conveyed the same to the Deputy Superintendent of Police, Mahabalipuram, Chengalpet District by letter dated 13.01.2022. As per which the parties agreed to withdraw the cases filed against each other and all other proceedings initiated by them.

A copy of the letter dated 13.01.2022 given by the parties to the Deputy Superintendent of Police, Mahabalipuram, Chengalpet District is herewith annexe and marked as Annexure C and D.

4.The parties submit that subsequently the 2nd petition in CrI.O.P.No.19157 of 2021 as per the letter in Annexure A has given the Cows on 22.01.2022 which has been duly acknowledged by the respondent No.2 in CrI.O.P.No.19157 of 2021. He has also withdrawn the complaint given by him before the Bar council in Complaint No.286 of 2021.

A copy of the acknowledgment dated 22.01.2022 and the letter of withdrawl dated 22.01.2022 is herewith annexed and marked as Annexure E and F.

5.The 1st petitioner in CrI.O.P.No.19153 of 2021 and the 2nd respondent who are the complainant's who have agreed to withdraw the complaints preferred by them in Crime No.21 and 364 of 2021 on the file of the respondent police and the parties agree that they shall have no claim whatsoever against each other as all disputes and claims have been amicably settled in between them and they have no objection in quashing of Crime No.21 and 364 of 2021 on the file of the respondent police.

6.The parties specifically submit that there is absolutely no threat, coercion, or undue influence by either party against the other in obtaining the above captioned Joint Memo of Compromise and they have given the same out of their own will and volition."

4.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. 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 Gujrath), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Cr.No. 364 of 2021 and Cr.No.21 of 2021 on the file of the first respondent police.

5. Accordingly, these Criminal Original Petitions stand allowed and as a sequel, the proceedings in Cr.No. 364 of 2021 and Cr.No.21 of 2021, on the file of the first respondent police, is quashed and the terms of joint memo of compromise shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

* Xerox copy of the Joint Memo of Compromise is enclosed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

jas/tsh

To

1. The Inspector of Police,
E5 Koovathur Police Station,
Koovathur,
Chengalpet District - 603 305.
2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.M.Velmurugan, Advocate, S.R.No.10644

Cr1.O.P.Nos.19157 of 2021 & 4239 of 2022
and
Cr1.M.P.No.10477 of 2021 & 2127 of 2022

NMI (CO)
SU(21/03/2022)