



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.22016 OF 2021

K.Ravikumar

... Petitioner/Accused

Vs.

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

... 1st Respondent/Complainant

2. Thirumurugan

... 2nd Respondent/De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to Crime No.790 of 2020 pending on the file of the 1st respondent police and quash the same by allowing the present criminal original petition.

For Petitioners : Mr.V.Jai Hari Sudhan

For Respondent No.1 : Mr.E.Raj Thilak
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to Crime No.790 of 2020, pending on the file of the 1st respondent police and quash the same.

2.The case of the prosecution is that the defacto complainant has lodged a complaint before the first respondent stating that the petitioner and the defacto complainant are friends and that the petitioner has taken the defacto complainant to Muttukadu Beach resort and they checked in a room, while they were inside the room, the other accused barged into the room and snatched the defacto complainant's four cell



phones and a gold chain weighing about 6 sovereigns and also started to attack him and in order to escape from them, the defacto complainant left his car at the resort, took an auto and reached his house and thereafter, lodged a complaint before the first respondent. On the complaint of the defacto complainant, crime No.790 of 2020 was registered against the petitioner and others, under Sections 342, 323, 387 and 506 (1) IPC on 31.07.2020. The petitioner was arrested and enlarged on bail by an order dated 22.09.2020, in CrI.O.P.No.14514 of 2020 by this Court.

3. 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.

4. The petitioner filed a memorandum of understanding dated 01.11.2021, stating that the property snatched from the defacto complainant has been recovered and returned to the defacto complainant and both of them agreed to arrive at a compromise. Both parties have filed their Aadhar cards and the defacto complainant given a letter dated 28.01.2022, stating that he is withdrawing the case against the petitioner. 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. 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), and after exercising due caution as advised by the Hon'ble Supreme Court in The State of Madhya Pradesh v. Dhruv Gurjar and Another reported in (2019) 2 MLJ CrI 10), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No.790 of 2020 on the file of the 1st respondent Police.

6. This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.790 of 2020, on the file of the 1st respondent police, is quashed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

sli



To

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

2. The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.V.Jai Hari Sudhan, Advocate, S.R.No.10504(21/03/2022)

CRL.O.P.No.22016 of 2021

PMK (CO)
RLP (23/02/2022)