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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.24074 of 2021

Rajkumar

...Petitioner / Accused

Versus

1. The Inspector of Police,
Namakkal Police Station,
Namakkal District.
(Crime No.1624 of 2021)

2. Veerappan

...Respondents / Defacto
Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records pertaining to a case in Crime No.1624 of 2021 on the file of the first respondent and quash the same.

For Petitioner : Mr.M.Subash

For Respondent-1 : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to call for the entire records in Crime No.1624 of 2021 on the file of the first respondent police and quash the FIR against the petitioner.

2. The case of the prosecution is that on 15.09.2021, being Members of Auto Driver's Association, both the petitioner and the de-facto complainant had participated. There arose a dispute between them regarding association meeting relating to auto drivers, where the petitioner said to have assaulted the defacto complainant and also threatened him with dire consequences. Hence, the de-facto complainant filed a complaint against the petitioner and FIR was registered in Crime No.1624 of 2021 for the offences under Sections 294(b), 324 and 506(ii) of I.P.C.



3. The learned counsel for the petitioner submitted that the second respondent had given the complaint as against the petitioner on frustration over the heated arguments between them. The FIR was lodged against the petitioner only in a fit of anger. Now, after the intervention of respectable known persons, both the parties have come to a compromise. Hence, the petitioner has filed this petition to quash the FIR in Crime No.1624 of 2021.

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 17.11.2021 has been filed by the 2nd respondent/de-facto complainant before this Court. The 2nd respondent and petitioner 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.1624 of 2021. 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.1624 of 2021.

7. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.1624 of 2021 on the file of the 1st respondent police, is quashed and the terms of affidavit shall form part and parcel of this order.

(*) Herein enclosed the xerox copy of the Affidavit filed by the 2nd Respondent / Defacto Complainant

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar



srn/mpi

To

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1. The Inspector of Police,
Namakkal Police Station,
Namakkal District.
2. The Public Prosecutor
High Court, Madras.

Crl.O.P.No.24074 of 2021

PL[co]
NSK 10/02/2022