



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.22917 OF 2021

AND

CRL.M.P.NO.12517 OF 2021

Justin Sunder Singh

...Petitioner / Accused

Versus

1.State Represented by

The Sub Inspector of Police,

Pollachi Taluk Police Station,

Pollachi, Coimbatore District. ...1st Respondent / Complainant

2.Varnakili

...2nd Respondent / Defacto Complainant

Prayer : This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records in Crime No.566 of 2021 pending on the file of the first respondent and quash the same.

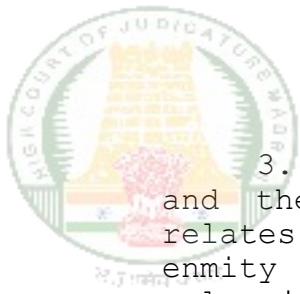
For Petitioners : Mr.A.Tamilarasan

For Respondents : Mr.E.Raj Thilak for R1
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to call for the entire records in Crime No.566 of 2021 pending on the file of the first respondent and quash the same.

2. The case of the prosecution is that the petitioner herein encroached 1 ½ cents of land out of 3 cents of second respondent's land and constructed shade and living with his family. It is stated that the petitioner assaulted the second respondent and abused with filthy language. Hence, the second respondent / defacto complainant herein lodged a complain to the first respondent police and a case was registered in Cr.No.566 of 2021 for the offences under Sections 294(b), 323, 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, against the petitioner and the same is pending investigation.



3. The learned counsel for the petitioners the petitioner and the de-facto complainant are relatives and the dispute relates to the lands and family problems and there was previous enmity between them. The FIR was lodged against the petitioners 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 had filed this petition to quash the FIR in Crime No.566 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 Joint Compromise Memo dated 18.11.2021 has been filed by the petitioner and the 2nd respondent/de-facto complainant before this Court. The 2nd respondent and petitioners present through Video conferencing. In the Joint Compromise Memo, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in Crime No.566 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.566 of 2021.

7. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.566 of 2021, on the file of the 1st respondent police, is quashed and the terms of Joint Memo of Compromise dated 18.11.2021 shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

Encl.: Xerox copy of Joint Memo of
Compromise dt.18.11.2021

Sd/-
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

jas/bkn



To

1.The Sub Inspector of Police,
Pollachi Taluk Police Station,
Pollachi, Coimbatore District.

2.The Public Prosecutor
High Court, Madras.

Crl.O.P.No.22917 of 2021
and
Crl.M.P.No.12517 of 2021

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