



Crl.O.P No.23747 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

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THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.23747 of 2021

A.Raghupathi

... Petitioner

Vs.

1. State Rep. by
The Inspector of Police,
Walajabad
Ranipet District

2. Venkatesh

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to Crime No.969 of 2021 on the file of the 1st respondent Police and quash the same.

For Petitioners : Mr.S.Thamizharasi

For Respondents : Mr.A.Damodaran for R1
Additional Public Prosecutor
Mr.Venkatesh, R2 (party in person)

ORDER

This Criminal Original Petition has been filed, seeking to call for the records pertaining to Crime No.969 of 2021 pending on the file of the 1st respondent Police and quash the same as illegal.



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2. Heard the learned counsel appearing for the petitioner as well as learned Additional Public Prosecutor appearing for the 1st respondent.

3. The learned counsel for the petitioner submitted that the case has been filed due to some pathway dispute between the neighbours. However, they had settled the dispute and purchased peace. A copy of the memorandum of understanding is also executed between the de-facto complainant and the petitioner, with regard to the terms of the usage of the pathway.

4. Since the de-facto complainant and the petitioner are neighbours and own houses adjacent to each other, it is good to allow them to live peacefully. The offences for which the case has been registered would show that the charges are predominantly compoundable in nature except 506(ii) and 324 IPC. Even the allegations with regard to Section 506(ii) IPC would also show that there is an isolated incident. Except a wordy threat, no more ingredients have been present in the complaint with regard to the offence under Section 506(ii) IPC. Though Section 324 IPC is non-compoundable offence, given the status of the de-facto complainant and the



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petitioner that they are neighbours and who had settled the matter between themselves, I feel this Court should consider the ground realities and exercise the powers under Section 482 of Cr.P.C to quash the FIR in entirety. In this regard, the guidelines laid down by the Hon'ble Supreme Court in **Parbatbhai Aahir Vs. State of Gujarat [AIR 2017 SC 4843]**, is relied. In view of the above stated reasons, I am inclined to quash the FIR.

5. In the result, the Criminal Original Petition stands allowed and the FIR in Crime No.969 of 2021 on the file of the 1st respondent is hereby quashed. The memorandum of understanding filed before this Court shall form part of the order.

28.09.2022

Index : Yes/No
Speaking Order : Yes / No
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To
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1. The Inspector of Police,
Walajabad
Ranipet District
2. The Public Prosecutor
High Court of Madras.



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R.N.MANJULA, J.,

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