



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.Nos.25200 of 2021 & 1510 of 2022
and
Crl.M.P.Nos.13938 of 2021 & 598 of 2022

Dinesh @ Aasai

...Petitioner / A2 in Crl.O.P.No.25200 of 2021

1.Mohan Raj

2.Rafi @ Muhammed Rafi

3.Suresh Kumar

...Petitioners / A1, A3 & A4
in Crl.O.P.No.1510 of 2022

Vs.

1.The Inspector of Police,
N-1, Royapuram Police Station,
Chennai.

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

2.Rajesh

...2nd Respondent / De-facto Complainant
in both Crl.O.Ps

COMMON PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the proceedings in Crime No.1549 of 2021 on the file of the 1st respondent and quash the same.

In both Crl.O.Ps

For Petitioners : Mr.P.Surendran

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

COMMON ORDER

These Criminal Original Petitions have been filed to call for the records relating to the proceedings in Crime No.1549 of 2021, on the file of the 1st respondent and quash the same.



2.The case of the prosecution is that on 04.11.2021 at about 9.45 p.m., the defacto complainant went to the job and returning back to home, at that time, the petitioners quarreled with the defacto complainant and assaulted him and robbed his mobile phone. Hence, the defacto complainant lodged a complaint on 05.11.2021, in crime No.1549 of 2021, for offences under Section 392 IPC against the petitioners herein.

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 defacto complainant has filed an affidavit on 11.01.2022 stating that the parties have compromised the issue amicably between themselves and he has filed the affidavit without any coercion or undue influence and on his own wish. 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 Cr1 10), Considering that the petitioners are friends and their future relationship, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No.1549 of 2021 on the file of the 1st respondent.

6. These Criminal Original Petition stand allowed and as a sequel, the investigation in Crime No.1549 of 2021, on the file of the 1st respondent, is quashed and the affidavit filed by the 2nd respondent/defacto complainant shall form part and parcel of these cases. Consequently, connected miscellaneous petitions are closed.

Encl.: Xerox Copy of Affidavit filed by R2

Sd/-
Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

sli



To

1.The Inspector of Police,
N-1, Royapuram Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

+lcc to M/s.Surendran, Advocate Sr.No.6742

CRL.O.P.Nos.25200 of 2021 & 1510 of 2022

MG(CO)
RVM(03/03/52022)