



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.25418 of 2021

1. D.Anandaraj
2. D.Devaraj ... Petitioners/Accused

Vs.

1.State rep by,
The Inspector of Police,
Avinankudi Police Station,
Cuddalore, Crime No.244 of 2020.

2. C.Kamaraj ... Respondents/Complainant/
Defacto Complainant

Prayer: This Criminal Original Petition has been filed under Section 482 of Cr.P.C to call for the record relating to Crime No.244 of 2020 on the file of the Avinankudi Police Station, Cuddalore and quash the same.

For Petitioners : Mr.K.Kannan

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

ORDER

This Criminal Original Petition has been filed to call for the record relating to Crime No.244 of 2020 on the file of the Avinankudi Police Station, Cuddalore and quash the same.

2.The case of the prosecution is that due to the land dispute between the defacto complainant and the petitioners, on 24.05.2020 at about 4.00pm when the defacto complainant and his son were at their home, the petitioners came to the defacto complainant's house and started abusing him and his family members in filthy language and beating the defacto complainant using knife and poked the defacto complainant with knife, the defacto complainant defended himself by raising alarm, the defacto complainant and his son got injured. They were admitted in the hospital and took treatment. Hence the 2nd respondent



gave a complaint on 25.05.2020 to the 1st respondent police against the petitioners and the first respondent police registered a case in crime No.244 of 2020 under sections 294(b) 324, 506(ii) IPC.

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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. Affidavits dated 07.12.2021 and 04.12.2021 have been filed by the petitioners and the 2nd respondent/defacto complainant. The petitioners and the 2nd respondent were also present through Video conferencing. In these affidavits, it has been stated that since the petitioners and the 2nd respondent/defacto complainant are residing in the same area, they have reached a compromise with the help of the Village elders. Hence, the second respondent/defacto complainant has to decide to withdraw the complaint and to settle the matter amicably. 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 Gujraht), 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), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No.244 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.244 of 2020 on the file of the 1st respondent police, is quashed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

adl/sms



To

1. The Inspector of Police,
Avinankudi Police Station,
Cuddalore, Crime No.244 of 2020.

2. The Public Prosecutor
High Court, Madras.

+1cc to Mr.K.Kannan, Advocate SR.No.7163

CRL.O.P.No.25418 of 2021

SS(CO)
GN(17/02/2022)