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CrI.O.P.No.26657 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

CrI.O.P.No.26657 of 2022

1. Allimuthu
2. Haridoss
3. Arul

...Petitioners

Vs.

1. The State rep. by
Inspector of Police,
M-5, Ennore Police Station,
Chennai – 600 057.
(Crime No.624 of 2022)

2. Anandhakumar

...Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the Crime No.624 of 2022 on the file of the 1st respondent and quash the same.

For Petitioners : Mr.M.Vinoth

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

ORDER

This Criminal Original Petition is filed to quash the records pertaining to the FIR in Crime No.624 of 2022 on the file of the Inspector of Police, M-5, Ennore Police Station, Chennai – 600 057.

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2. Earlier, when the matter was taken up for hearing on 04.11.2022, the petitioners as well as the defacto complainant appeared before this Court and filed a joint compromise memo signed by the parties along with their respective counsels, in view of the compromise entered between themselves. However, it is submitted that the wife of the defacto compensation also involved in the occurrence and hence her presence is also essential for compromising the issue . Therefore, the case was directed to be listed today for the appearance of the wife of the defacto complainant. The presence of other parties was dispensed with for future hearings.

3. Today when the matter is taken up for hearing, the wife of the defacto complainant present before this Court and has also filed an affidavit by expressing her consent for compromise.

4. Admittedly the parties are relatives and there is a family dispute between themselves and due to which a case has been registered in Crime No.624 of 2022 for the offences under Sections 294 (b), 323, 324 and 506 (ii) of I.P.C and Section 4 of the Tamil Nadu Prohibition of Harassment of



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Women Act, 2002. It is seen that the petitioners did not have any previous criminal antecedents. The allegations made by the defacto complainant are personal in nature and the defacto complainant and his wife are willing to go in peace with the petitioners who are their relatives.

5. The parties were identified by the Police viz., Mr.A.Adhi Kesavan, Head Constable 12349, -M-5 Police Station, Ennnore, Chennai. In view of the compromise, the defacto complainant and his wife do not want to pursue the matter further.

6. Under such circumstances, no useful purpose will be served in keeping the proceedings pending. Even though the offences are non compoundable in nature, in the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641** reported in ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath***, this Court in exercise of power under Section 482 Cr.P.C. prefers to quash the proceedings in Crime No.624 of 2022, on the file of the 1st respondent.



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vum

7. In the result, this Criminal Original Petition stands allowed and as a sequel, the further proceedings in Crime No.624 of 2022 on the file of the 1st respondent, is quashed in terms of compromise. The terms of Joint Compromise Memo, dated 27.10.2022 and the affidavit filed by the wife of the defacto complainant, dated 08.11.2022, shall form part of this Order.

09.11.2022

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Index:yes/No

Speaking order / Non speaking order

To

1. The Inspector of Police,
M-5, Ennore Police Station,
Chennai – 600 057.

2. The Public Prosecutor,
Madras High Court,
Chennai.

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