



CrI.O.P.No.27416 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.27416 of 2022

1. Prabu @ Prabhu
2. Manikandan

...Petitioners

Vs.

1. The State rep. by
the Special Sub Inspector of Police,
Thachampet Police Station,
Tiruvannamalai District.

2. Ezhumalai
...Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the entire records pursuant to the case in Crime No.571 of 2017 vide dated 19.10.2017 on the file of the 1st respondent and quash the First Information Report based upon Joint Compromise memo is filed by allowing this Criminal Original Petition.

For Petitioners : Mr.H.Thameen Ansari

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

For 2nd Respondent : Mr.Ezhumalai (Party in person)



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ORDER

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This Criminal Original Petition is filed to call for the entire records pursuant to the case in Crime No.571 of 2017 vide dated 19.10.2017 on the file of the 1st respondent and quash the First Information Report based upon Joint Compromise memo

2. The petitioners are relatives and the defacto complainant is the neighbour of the petitioners. On the complaint given by the defacto complainant, a case has been registered in Crime No.571 of 2017 for the offences under Sections 147, 294 (b), 323, 324 and 506 (2) of I.P.C. and Section 3(1) of the Tamilnadu Public Property (Prevention of damage and loss) Act, 1992.

3. The defacto complainant has come forward to settle the dispute amicably with the petitioners. A joint compromise memo, dated 31.10.2022 has also been filed to that effect. The offence is seen to be personal in nature.

4. The learned Additional Public Prosecutor appearing for the 1st



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respondent would submit that there is no public property said to have been damaged significantly by the accused.

5. The petitioners and the defacto complainant were present before this Court and they were identified by the Police viz., Mr.K.Sathish Kumar, Special Sub Inspector, Thachampattu Police Sation, Thiruvannamali District. In order to identify the respective parties, they have also produced the copies of the Aadhaar Cards. The terms of compromise were read over to the petitioners and the second respondent. They accepted it to be true and stated that it has been entered between themselves without any coercion or influence.

6. In view of the compromise, the defacto complainant does not want to pursue the matter further. Under such circumstances, no useful purpose will be served in keeping the proceedings pending since the offences are non compoundable in nature. Therefore, 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



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exercise of power under Section 482 Cr.P.C. prefers to quash the proceedings in Crime No.571 of 2017, on the file of the 1st respondent.

7. In the result, this Criminal Original Petition stands allowed and as a sequel, the further proceedings in Crime No.571 of 2017 on the file of the 1st respondent, is quashed in terms of compromise. The terms of Joint Compromise Memo, dated 31.10.2022, shall form part of this Order.

09.11.2022

vum
Index:yes/No
Speaking order / Non speaking order

To

1. The Special Sub Inspector of Police,
Thachampet Police Station,
Tiruvannamalai District.
2. The Public Prosecutor,
Madras High Court,
Chennai.

R.N.MANJULA,J.

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