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Crl.O.P No.28800 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **24.11.2022**

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

CRL.O.P.No.28800 of 2022

K.Senthil Kumar ... Petitioner/Accused

Vs.

1.The State represented by
The Inspector of Police,
G-2, Periamet Police Station,
Crime No.247/2022. ... 1st Respondent

2.Somu. M ... 2nd Respondent /
Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.247/2022 dated 14.10.2022 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.P.Sridhar
For Respondent-1 : Mr.S.Santhosh
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed to call for the records in Crime No.247 of 2022 dated 14.10.2022 pending on the file of the first respondent police and quash the same.



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2. The *defacto* complainant and the accused are friends and their autos are parked in the same auto stand. During one heated conversation, the petitioner had assaulted the *defacto* complainant. But, now the *defacto* complainant and the accused have stated that they have settled their dispute between themselves and considering their friendship they intend to bury their hatchet and compromise the dispute amicably among themselves.

3. A Joint Compromise Memo dated 17.11.2022 has been filed by the parties stating that they have settled their dispute among themselves and considering the relationship between themselves, the *defacto* complainant does not want to pursue the matter further.

4. The *defacto* complainant and the petitioner are present today and agreed that they have settled the dispute. The petitioner and the *defacto* complainant were identified by Mr.M.Suresh, Gr-I 29045, G2 Periyamedu Police Station (L&O). In order to identify the respective parties, they have also produced the copies of the Aadhaar Card which are made part of the record. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



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5. During enquiry, the *defacto* complainant has stated that he has voluntarily agreed the compromise signed the Joint Compromise Memo without any coercion or threat. Considering the intention of the parties to resume their relationship by burying their hatchet and also considering the fact that there is no previous antecedents against the petitioner, this Court is of the view that no useful purpose will be served in keeping the First Information Report pending. Even though some of 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)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. is inclined to quash the First Information Report in Crime No.247 of 2022.

In fine, this Criminal Original Petition stands **allowed** and as a sequel, the proceedings in Crime No.247 of 2022, on the file of the The Inspector of Police, G-2, Periamet Police Station, Chennai is quashed.

24.11.2022

Index : Yes/No
Speaking Order : Yes / No
jrs



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R.N.MANJULA, J.

jrs

To:

- 1.The Inspector of Police,
G-2, Periamet Police Station,
Chennai.
2. The Public Prosecutor,
Madras High Court.

CRL.O.P.NO.28800 OF 2022

24.11.2022