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CRL.O.P.No.29280/ 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2022

CORAM

THE HON'BLE MS.JUSTICE R.N.MANJULA

CRL.O.P.No.29280 of 2019
and Crl.M.P. No.15806 of 2019

1. S.Sarumathy
2. S.Selvendran ... Petitioners

vs.

1.The Inspector of Police,
Law & Order,
B4 High Court Police Station,
Chennai - 600 104.

2. G.Indhumathi ..
Respondents

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the FIR in Cr.No.21 of 2019 dated 14.10.2019 on the file of the first respondent herein and quash the same.

For Petitioners : Mr.R.C.Paul Kanagaraj
For Respondent-1 : Mr.A.Damodaran
Additional Public Prosecutor
2 : Party-in-person



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ORDER

This Criminal Original Petition has been filed to call for the records and quash the FIR in Cr. No.21 of 2019 dated 14.10.2019 on the file of the first respondent.

2. The case of the prosecution is that the second respondent is a practising advocate and when she was about to enter into the II Small Causes Court, Chennai for attending a pre-sitting session of Lok Adalat, a mob of about ten advocates headed by the first accused stopped her in the entrance of the Court and threatened her not to enter into the Court as there is a boycott. Despite the same when she entered into the Court hall, the named advocates along with others entered into the Court hall and abused her in the presence of Judge and Court staffs and prevented her from bringing up the bundles and intimidated her by abusing in filthy language and attempted to attack her. After getting approval from the Security Committee of the High Court, a complaint of the second respondent was forwarded to the first respondent by the Registrar-Administration in R.O.C. No.72224-E/2019/D8 dated 09.10.2019 and on



the basis of which, a case has been registered in Cr. No.21 of 2019 for the offences under Section 341, 294(b), 354, 506(1) IPC.

3. Heard Mr.R.C.Paul Kanagaraj, learned Senior Counsel appearing for the petitioner, Mr.A.Damodaran, learned Additional Public Prosecutor and Ms.Indhumathi, the second respondent herein.

4. Mr.R.C.Paul Kanagaraj, learned counsel for the petitioners submitted that the petitioners and the *de facto* complainant are the members of the same fraternity and they have compounded the matter and amicably settled the issue among themselves; hence the FIR in Cr.No.21 of 2019 dated 14.10.2019 has to be quashed.

5. The *de facto* complainant had expressed the difficulty faced by her on the alleged date of occurrence amidst of the group of ten advocates who disgraced her when she continued to participate in the Lok Adalat proceedings during boycott. However, the *de facto* complainant and the petitioners who belong to the same profession and profess advocacy in the same place have decided to bury the hatchets in the common interest



of all. In this regard the *de facto* complainant had also filed an affidavit expressing her willingness to settle the issue without pursuing it further.

6. When the matter is taken up today, both the petitioners and the *de facto* complainant were present. The *de facto* complainant has stated that she has consented to settle the matter without any coercion or influence. The petitioners have also regretted the misunderstanding developed between themselves.

7. The petitioners and *de facto* complainant are practising advocates and members of the same fraternity. They have chosen to resume cordial relationship between themselves. Hence, I feel that it is appropriate to allow the matter to get settled as understood between the petitioners and the *de facto* complainant.

8. Even though the petitioners have been charged for the offence under Section 294(b), 354 IPC which are non-compoundable in nature, no useful purpose will be served in view of the settlement arrived between the parties. In the light of the guidelines given by the Hon'ble Supreme



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Court reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai**

Vs. State of Gujrath), this Court in exercise of its power under Section 482 Cr.P.C. prefers to quash the proceedings in Crime No.21 of 2019, on the file of the 1st respondent.

9. In view of the above stated reasons, this Criminal Original Petition is allowed and the FIR in Cr. No.21/2019 dated 14.10.2019 on the file of the first respondent is quashed as against the petitioners. Consequently, connected miscellaneous petition is closed.

07.12.2022

Index : Yes/No
Internet : Yes/No
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To

1.The Inspector of Police,
Law & Order,
B-4, High Court Police Station,
Chennai.

2.The Public Prosecutor
High Court of Madras
Chennai.



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R.N.MANJULA, J.

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