



Crl.O.P.No.562 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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1. R.Jayababu
2. M.Ajay .. Petitioners

Versus

1. State represented by
The Inspector of Police,
M-4, Redhills Police Station,
Chennai - 600 052.
2. V.Achuthan @ Achuthan Achary .. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with Cr.No.1772 of A1 & A5, the petitioners, pending on the file of the Inspector M-4, Redhills Police Station, Thiruvallur District and quash the same.

For Petitioner : M/s.S.Apunu

For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side)
for R1

: M/s.B.Elakkiya for R2



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ORDER

The Criminal Original Petition has been filed to quash the F.I.R in Crime No.1772 of 2021 insofar as the accused Nos.1 and 5 are concerned, pending on the file of the first respondent.

2. The case is still at the stage of investigation. The parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. The affidavit dated 04.01.2023 of the second respondent / de-facto complainant and the joint memo of compromise entered into between the petitioners and the second respondent / de-facto complainant have been filed before this Court. The petitioners and the second respondent were also present in person before this Court. In order to identify the respective parties, they have also produced the copies of the Aadhaar Cards and the Aadhaar Cards are made part of the record. In the affidavit, it has been stated that the petitioners and the second respondent had entered into a compromise and amicably settled their issues in Crime No.1772 of 2021.



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This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. 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 Gujrath)**, and after exercising due caution as advised by the Hon'ble Supreme Court in **The State of Madhya Pradesh Vs. Dhruv Gurjar and Another** reported in **(2019) 2 MLJ Crl 10**, this Court in exercise of its jurisdiction under Section 482 of Cr.P.C., quashes the First Information Report in Crime No.923 of 2021, on the file of the first respondent Police.

5. The de-facto complainant who is present before this Court submitted that he does not know any of the accused persons and that he has not given any complaint as against the accused Nos.3 to 9. The learned Government Advocate (Crl. Side) appearing on behalf of the first respondent Police submits that accused Nos.3 to 9 were made as accused



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based on the confession of the accused No.2. In view of the same, no useful purpose will be served in keeping F.I.R pending as against the accused Nos.3, 5 to 9 and it has to be quashed for them also.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.1772 of 2021, on the file of the first respondent Police, insofar as the accused Nos.1 and 5 is quashed and the terms of affidavit shall form part and parcel of this order. The petitioners shall pay a sum of Rs.1000/- (Rupees One thousand only) each as costs, to the credit of the **President, Tamil Nadu Advocates Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157)**, within a period of one week from today and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

17.07.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To



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1. The Public Prosecutor,
High Court of Madras.

2. The Inspector of Police,
M-4, Redhills Police Station,
Chennai - 600 052.



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N.ANAND VENKATESH, J.

grs

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