



Crl.O.P.No.4322 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.4322 of 2022
and Crl.M.P.No.2174 of 2022**

1. Kalimuthu
 2. P.Raman
 3. Rajathi
- .. Petitioners

Versus

1. The State Rep by
Inspector of Police,
Anaimalai Police Station,
Coimbatore.
(In Cr.No.29 of 2022)
 2. Hariharasuthakar
 3. Deputy Superintendent of Police,
Pollachi, Coimbatore District.
- .. Respondents

R3 impleaded as per order dated 14.06.2023 in
Crl.M.P.No.7963 of 2023 in Crl.O.P.No.4322 of 2022

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.29 of 2022 on the file of the second respondent Police and quash the same.



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For Petitioners : Mr.N.R.Elango, Senior Counsel
for M/s.A.S.Aswin Prasanna

For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side)
for RR-1 and 3

: Mr.R.Chakkaravarthy for R2

ORDER

The Criminal Original Petitions have been filed to quash the F.I.R in Crime No.29 of 2022, pending on the file of the Inspector of Police, Anaimalai Police Station, Coimbatore.

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 21.04.2023 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 de-facto complainant were



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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. This Court examined the de-facto complainant as to whether he had voluntarily entered into the compromise with the petitioners or whether any pressure was exerted on him for coming to compromise. The de-facto complainant stated that he on his own volition took the decision and the he does not want to prosecute this case any further. 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.29 of 2022. 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**



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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.29 of 2022, on the file of the first respondent Police.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.29 of 2022, on the file of the first respondent Police, 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 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. Consequently, connected miscellaneous petition is closed.

13.07.2023
(1/2)

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



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To
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1. The Public Prosecutor,
High Court of Madras.
2. The Deputy Superintendent of Police,
Pollachi, Coimbatore District.
3. The Inspector of Police,
Anaimalai Police Station, Coimbatore.

N.ANAND VENKATESH, J.

grs

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