



Crl.O.P.No.4109 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.4109 of 2023

Crl.M.P.No.2588 of 2023

1.Erulappan

2.Thangadurai

... Petitioners

Vs.

1.State represented by
The Inspector of Police,
Mangadu Police Station,
Ambattur District, Chennai.
(Crime No.702 of 2022)

2.Paunsamy

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C. praying to call for the records relating to the case in Crime No.702 of 2022 on the file of 1st respondent Mangadu Police Station, Ambattur District, Chennai and quash the same in view of the joint memo of compromise.

For Petitioners : Mr.V.R.Appaswamee

For Respondents : Mr.S.Santhosh (For R1)
Government Advocate (Crl side)



Crl.O.P.No.4109 of 2023

WEB COPY

ORDER

This Criminal Original Petition has been filed to call for the records relating to the case in Crime No.702 of 2022 on the file of 1st respondent Mangadu Police Station, Ambattur District, Chennai and quash the same in view of the joint memo of compromise.

2.It is seen from the First Information Report allegations that the accused are close relatives and the incident occurred in connection with the Baby shower function. On the basis of the complaint given by the defacto-complainant, First Information Report in Cr.No.702 of 2022 for the offence under Section 341, 294 (b), 323, 324, 506 (2) and 34 I.P.C. by Mangadu Police Station was registered against the petitioners. It is now reported that petitioners and second respondent and his son victim Prakash had resolved their dispute between them. Second respondent and victim Prakash do not want to proceed with this case. They have no objection for quashing the case in Crime No.702 of 2022 on the file of 1st respondent Mangadu Police Station, Ambattur District, Chennai.

3.When the matter is taken up, the petitioners, second



Crl.O.P.No.4109 of 2023

respondent/defacto-complainant are present and they were identified by

Mr.Balasubramaniam, Sub Inspector of Police, T-14 Police Station, Mangadu Police Station. A joint memo dated 10.02.2023 for compromise by the petitioners and second respondent/defacto-complainant and victim is filed. Defacto-complainant and victim filed consent affidavit. It is seen from the joint compromise memo and consent affidavit filed that the parties have mutually resolved to settle their dispute and second respondent is not willing to prosecute the petitioners. He has no objection for quashing the criminal complaint against the petitioners in Cr.No.702 of 2022 on the file of the first respondent.

4. The learned Government Advocate (Crl.Side) submitted that the case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5.Considering the fact that the issue between the parties had compromised and that the second respondent does not want to prosecute the case against the petitioners, and that he has no objection for quashment of proceedings, no useful purpose will be served in keeping the proceedings pending in Crime No.702 of 2022 against the petitioner. This Court also



Crl.O.P.No.4109 of 2023

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

6.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., quashes the proceedings pending in Crime.No.702 of 2022 on the file of the respondent police against the petitioners.

7.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings pending in Crime.No.702 of 2022, on the file of the respondent police against the petitioners is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequently, the connected Miscellaneous Petition is closed.

28.02.2023

Internet:Yes
Index:Yes/No
ep



WEB COPY



Crl.O.P.No.4109 of 2023

To:

- 1.The Inspector of Police,
Mangadu Police Station,
Ambattur District, Chennai.
- 2.The Public Prosecutor
High Court of Madras.



WEB COPY



Crl.O.P.No.4109 of 2023

G.CHANDRASEKHARAN, J.
ep

Crl.O.P.No.4109 of 2023
Crl.M.P.No.2588 of 2023



WEB COPY



Crl.O.P.No.4109 of 2023

28.02.2023