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Crl.O.P No.9620 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.9620 of 2023

Sathishkumar, M/44
S/o.Mummorrth

... Petitioner

VS.

1.State rep.by
The Inspector of Police
Mahalingapuram Police Station
Coimbatore District.
(Crime No.259 of 2022)

...1st Respondent/Complainant

2.Sakthivel
S/o.Natarajan

..2nd Respondent/De facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings in Crime No.259 of 2022, on the file of 1st respondent.

For Petitioner : Mr.S.N.Arunkumar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]



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ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No.259 of 2022, pending on the file of first respondent.

2. 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.

3. A Joint Memo of Compromise dated 05.04.2023 signed by both petitioner and second respondent/*de facto* complainant and their respective counsel has been filed before this Court. An affidavit has also been filed by the second respondent/de-facto complainant before this Court. The petitioner and second respondent were also present in person before this Court and they were identified by Mr.T.Gnanavel, HC 1598, Mahalingapuram PS, Pollachi. In the affidavit it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in Crime No.259 of 2022 pending on the file of first respondent. 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 case 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 Gujraath)** and after exercising due caution as advised by the Hon'ble Supreme Court in **The State of Madhya Pradesh v. Dhruv Gurjar and Another** reported in **(2019) 2 MLJ CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the FIR in Crime No.259 of 2022 pending on the file of first respondent.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.259 of 2022 pending on the file of first respondent is quashed and the terms of affidavit shall form part and parcel of this order. The petitioner shall pay a sum of Rs.1,000/- (Rupees One thousand only) 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 two weeks from the date of receipt of copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.



CrI.O.P No.9620 of 2023

6.The learned counsel for the petitioner submitted that during the course of investigation, certain articles belonging to the petitioner and the de facto complainant were seized by the respondent police and it was produced before the Court. This Court has quashed the FIR and hence, it is left open to both the petitioner as well as the de facto complainant to file a memo before the concerned Court seeking for the return of articles and the concerned Court shall enter the memo and return back whatever articles has been seized and produced before the Court.

7.Post this case for reporting compliance on 23.8.2023.

04.08.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
KP

Note: Issue order copy on **11.8.2023**



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To

1. The Inspector of Police
Mahalingapuram Police Station
Coimbatore District.
2. The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH., J
KP

Crl.O.P No.9620 of 2023
for reporting compliance on **23.8.2023**

04.08.2023