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Crl.O.P.No.20394 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.20394 of 2023

1. Sundarajan
 2. Geetharani
- .. Petitioners

Versus

1. The State rep by
The Inspector of Police,
F5 Choolaimedu Police Station,
Chennai.
(Cr.No.269 of 2022)
 2. Jothiammal
- .. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in F5 Choolaimedu Police Station Cr.No.269 of 2022 under Section 406 and 506(i) of I.P.C pending on the file of 1st respondent and quash the proceedings in so far as they related to the petitioners.

For Petitioners : Mr.K.P.Jotheeswaran

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



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ORDER

The Criminal Original Petition has been filed to quash the F.I.R in Crime No.269 of 2022, 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 31.07.2023 of the second respondent / de-facto complainant and the joint compromise memo entered in between the petitioners and the second respondent / de-facto complainant have been filed before this Court. The parties are present in person before this Court and they are identified by Mr.Krishnamoorthi, S.I of Police, F5 Choolaimedu Police Station, Chennai. 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.269 of 2022. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



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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 Gujraath)**, 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.269 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.269 of 2022, on the file of the first respondent Police, is quashed and the terms of affidavit of the second respondent / de-facto complainant shall form part and parcel of this order. The petitioners shall pay a sum of Rs.750/- (Rupees five hundred only) each as costs, to the credit of the **Chairman, Advocate Clerks Association, Tirupattur, Vellore District (Indian Bank, Kacheri Street Branch, Tirupattur A/c No.485403938, IFSC Code:IDIB00T039)**, within a period of two weeks



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from today and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

6. Post this case under the caption "For Reporting Compliance" on 12.10.2023.

27.09.2023

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

Note : Issue order copy on 03.10.2023.

To

1. The Inspector of Police,
F5 Choolaimedu Police Station,
Chennai.
2. The Public Prosecutor,
High Court of Madras.



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N.ANAND VENKATESH, J.

grs

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