



WEB COPY



Crl.O.P No.17678 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.17678 of 2023

1.Jaynish @ Jayaganesh
S/o.Murugesan

2.Vedha
S/o.Dharmalingam

... Petitioners

vs.

1.State of Tamil Nadu
Inspector of Police,
C5 Vengal Police Station,
Thiruvallur District.

2.Sambath
S/o.Velappan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for records relating to FIR in Crime No.575 of 2010 on the file of respondent police and quash the same.

For Petitioners : Mr.M.Manimaran

For Respondents : Mr.A.Gopinath
Government Advocate [Crl.side][R1]



CrI.O.P No.17678 of 2023

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Crime No.575 of 2010 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 Compromise Memo dated 27.06.2023 entered between the petitioners and second respondent has been filed before this Court. Further, a compromise affidavit has been filed by the second respondent/*de facto* complainant before this Court. The petitioners and second respondent were also present in person before this Court and they were identified by Mr.A.Thiyagarajan, Special Sub-Inspector of Police, C5 Vengal Police Station [98404 53079]. In the affidavit, it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in Crime No.575 of 2010 pending on the file of first respondent.

4. This Court also enquired both the parties. The victim girl Bhuvaneswari was present before this Court. She stated that she married the



first petitioner during the year 2010 and through the wedlock, there are two children, the first child is named as Sherin and the second child is named as Christy, which is six months old. She stated that she is living happily with the first petitioner. The second respondent, who is the father of the victim girl is also present before this Court and he stated that the victim girl is married to the first petitioner and that they are living happily. He further stated that he does not want to prosecute the case. This Court was satisfied that the parties have come to an amicable settlement between themselves.

5. 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 Gujrath)** 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.575 of 2010 pending on the file of first respondent.



WEB COPY



Crl.O.P No.17678 of 2023

N. ANAND VENKATESH., J

gm

This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.575 of 2010 pending on the file of first respondent is quashed and the terms of affidavit shall form part and parcel of this order.

07.08.2023

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

To

1.The Inspector of Police,
C5 Vengal Police Station,
Thiruvallur District.

2.The Public Prosecutor,
High Court of Madras,
Madras.

Crl.O.P No.17678 of 2023