



WEB COPY



CrI.OP No.19595 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Balamurali

...Petitioner /A2

Vs.

1. The State Represented by
The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam

2. Veerasozhan

...Respondents

Criminal Original Petition under Section 482 of the Code of Criminal Procedure praying to call for the records in crime No.547 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.R.Vivekanandan

For Respondent-1 : Mr.A.Damodaran

Additional Public prosecutor

For Respondent-2 : Mr.Muruga Bharathi

for R2

ORDER

This petition has been filed to quash the FIR in Crime No.547 of 2021, pending investigation on the file of the 1st respondent.



Crl.OP No.19595 of 2023

2. The case of the prosecution is that on 27.08.2021, when the 2nd respondent was cultivating his lands, he was attacked by the accused persons and was abused in filthy language and he was also criminally intimidated. Based on the complaint given by the 2nd respondent, the 1st respondent registered an FIR in Crime No.547 of 2021. The same has been made a subject matter of challenge in this quash petition.

3. When the matter came up for hearing on 29.08.2023, this Court passed the following order :-

Mr.A.Damodaran, learned Additional Public Prosecutor takes notice for 1st respondent. Notice to the 2nd respondent returnable by 19.08.2023. Private notice is also permitted.

2. There is a case and counter under investigation by the 1st respondent in Crime Nos.547 and 548 of 2021. The learned counsel for the petitioner submitted that all the persons involved in the incident belonging to the same place and an attempt is being made to compromise the dispute. In view of the above, post this case under the caption for "Reporting settlement" on 19.08.2023 at 2.15 p.m.



CrI.OP No.19595 of 2023

4. Even when the matter came up for hearing on 29.08.2023, this Court indicated that in order to bring about the permanent solution, the counter case that was registered in Crime No.548 of 2021 can also be quashed by this Court so that the entire criminal proceedings comes to an end once and for all.

5. The learned Government Advocate appearing on behalf of the 1st respondent submitted that there is a case and counter in Crime No.547 and 548 of 2021 and the same is pending investigation before the 1st respondent.

6. The learned counsel appearing on behalf of the 2nd respondent submitted that the 2nd respondent has agreed for settlement in this case and that the FIR that was registered as against the 2nd respondent may also be quashed by this Court in order to bring about a closure to the entire case.

7. Taking into consideration the facts and circumstances of the case



Crl.OP No.19595 of 2023

and also of the nature of allegations that have been made and in order to bring a solution once and for all, this Court is inclined to quash both the FIRs in Crime Nos.547 and 548 of 2023 on the file of the 1st respondent 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 Crl 10**.

8. In the light of the above discussion, the FIR in Crime Nos.547 and 548 of 2021 before the 1st respondent police are quashed and this Criminal Original petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

26.09.2023

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

4/6



WEB COPY



Crl.OP No.19595 of 2023

To

1.The State Represented by
The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam

2.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.OP No.19595 of 2023

N.ANAND VENKATESH,J
rka

Crl.O.P.No.19595 of 2023
& Crl.M.P.No.13274 of 2023

26.9.2023