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CrI.O.P.No.25423 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.25423 of 2022

Karthik

... Petitioner

Vs.

1.State by

The Inspector of Police,
Thirupathur Town Police Station,
Thirupathur.

2.Prakash

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records of FIR No.186 of 2017 on the file of the first respondent police and quash the same as against the petitioner herein.

For Petitioner : Mr.Ramesh

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For R2 : Mr.K.Desingh



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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.186 of 2017, dated 08.11.2017 on the file of the 1st respondent Police.

2.Though the petitioner raised very many grounds in this Quash Application to quash the FIR, now the same have not been pressed for the reason that the dispute between the petitioner and the 2nd respondent got resolved and a Joint Memo of Compromise signed by both parties are produced before this Court to confirm the compromise.

3.Learned Additional Public Prosecutor appearing for the 1st respondent Police submitted that there is no dispute between the petitioner and the 2nd respondent. Initially, there was some dispute with regard to charging of exorbitant interest by the petitioner and since the second respondent refused to pay the interest amount, the petitioner abused him in filthy language and threatened him with dire consequence. Now, the issues



are resolved between them. He further submitted that the Police have verified the compromise between the parties.

4.The petitioner as well as the 2nd respondent are present before this Court and they were identified by Mr.B.Januka, Special Sub Inspector of Police attached to the 1st respondent Police Station. The 2nd respondent appeared before this Court and reaffirms the compromise entered with the petitioners and he is not inclined to further pursue the FIR in Crime No.186 of 2017.

5.Considering the submissions and on perusal of the materials and on enquiry with both the petitioner and the 2nd respondent, it is seen that the issue had been resolved between them and a Joint Compromise Memo has been filed before this Court. Further, the compromise has been confirmed and the issue has been resolved.

6.Under such circumstances, no useful purpose will be served in keeping the FIR pending, even though, the offences involved are not



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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., is inclined to quash the FIR in Crime No.186 of 2017 dated 08.11.2017 on the file of the 1st respondent Police. Quashing the FIR would be right to render justice to the parties.

7.In view of the above, the FIR in Crime No.186 of 2017, dated 08.11.2017 on the file of the 1st respondent Police is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

23.06.2023

Index: Yes/No
Internet: Yes/No
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To

1.The Inspector of Police,
Thirupathur Town Police Station,
Thirupathur.

2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

cse

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