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CrI.O.P.No.27013 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.27013 of 2022

1.Selvaprabu
2.Karthikeyan
3.K.Rajkumar
4.R.Dhayalan
5.T.Jaiganesh @ Jayaganesan

... Petitioners

Vs.

State rep.by,
1.The Inspector of Police,
Guduvancheri Police Station,
Kancheepuram District.
(Cr.No.422/2015).

2.Nagaraj

... Respondents

[Petitioners 3 to 5 is impleaded as
per order of this Court, dated
22.06.2023 in CrI.M.P.No.8650 of
2023 in CrI.O.P.No.27013 of 2022]

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the FIR filed in Cr.No.422/2015 pending investigation on the file of the respondent Police in so far as the petitioners/A2 & A3 are concern.

For Petitioners : Mr.G.Punniakoti



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For R1 : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

For R2 : Mr.T.Panchat Saram

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.422 of 2015, dated 10.05.2015 on the file of the 1st respondent Police.

2.Totally, there are five accused in Crime No.422 of 2015. Out of five accused, A2 & A3 are the petitioners herein. To implead the other accused/A1, A4 & A5, Impleading Petition has been filed by the learned counsel for the petitioner in Crl.M.P.No.8650 of 2023 in Crl.O.P.No.27013 of 2022 and the same is ordered today.

3.The case of the prosecution is that on 10.05.2015, when the 2nd respondent along with his friends Ramesh and Vinothkumar were having liquor in Thailavaram Government Wine Shop, the petitioners picked up quarrel with them and started to assault. The 2nd petitioner took iron stool and attacked the 2nd respondent on his head; the 4th petitioner



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attacked him by using wooden log on his right hand; the 1st and 5th petitioners attacked him using liquor bottles; the 3rd petitioner broke the beer bottle and stabbed in his left hand and finally, all the petitioners threatened the 2nd respondent to do away. Due to the assault, the 2nd respondent was severely injured and he was taken treatment at SRM Hospital, at that time, the 1st respondent Police received the complaint and registered FIR in Crime No.422 of 2015, for offence under Sections 147, 148, 194(b), 323, 324 and 506(ii) of IPC.

4.Though the petitioners raised several grounds in this Quash Application to quash the FIR, now the same have not been pressed for the reason that the dispute between the petitioners and the 2nd respondent got resolved since they are relatives and friends. Today, the petitioners and the 2nd respondent filed Affidavits and Joint Compromise Memo before this Court and the Joint Compromise Memo was signed by both parties.



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5.Learned Additional Public Prosecutor appearing for the 1st respondent Police submitted that in this case, a compromise arrived between the 2nd respondent and the petitioners, who are the friends and relatives. Mr.R.Sakthi, Sub Inspector of Police attached to the 1st respondent Police Station present before this Court and identified the parties. On instructions, it is submitted that the 1st respondent Police were informed about the compromise and the 2nd respondent's intention is to withdraw the complaint and not to pursue the FIR in Crime No.422 of 2015 further. The Police have verified the compromise between the parties.

6.Today, the 2nd respondent appeared before this Court and reaffirms the compromise entered with the petitioners. He had reconciled to the reality and withdrawing the complaint preferred to the 1st respondent Police and he is not inclined to further pursue the FIR in Crime No.422 of 2015.



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7.Considering the submissions and on perusal of the materials and on enquiry with both the petitioners and the 2nd respondent, it is seen that the issue had been resolved between them. The 2nd respondent is not inclined to further pursue the FIR in Crime No.422 of 2015 and he filed affidavit for no objection to quash the Crime No.422 of 2015, on the file of the 1st respondent Police.

8.Under such circumstances, no useful purpose will be served in keeping the FIR 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 Crl 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., is inclined to quash the FIR in Crime No.422 of 2015, dated 10.05.2015 on the file of the 1st respondent Police. Quashing the FIR would be right to render justice to the parties.



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9.In view of the above, the FIR in Crime No.422 of 2015, dated 10.05.2015 on the file of the 1st respondent Police is hereby quashed.

Accordingly, this Criminal Original Petition is allowed.

22.06.2023

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Index: Yes/No
Internet: Yes/No
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To

- 1.The Inspector of Police,
Guduvancheri Police Station,
Kancheepuram District.
- 2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.
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