



Crl.O.P.No.32687 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.32687 of 2022

1.B.Lakshmipathi

2.B.Vijayan

... Petitioners

Vs.

1.The Inspector of Police,
Gudiyatham Town Police Station,
Gudiyatham, Vellore – Dist.

2.K.Vimal Kumar

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.258 of 2022, dated 31.05.2022 on the file of the 1st respondent, Gudiyatham Town Police Station, Guidyatham, Vellore – District and quash the same.

For Petitioners : Mr.S.Santhan

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.258 of 2022, dated 31.05.2022 on the file of the 1st respondent Police.



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2.The complaint of the 2nd respondent is that he is residing in Gudiyatham along with his parents, wife Jeevitha and children. The defacto complainant is employed as acting Driver. On 27.05.2022, at about 09.30 p.m., when he was at home, heard his neighbour/1st petitioner raising alarm. The defacto complainant came out and found that a crowd attacking the 1st petitioner and his brother/2nd petitioner. When he intervened and attempted to save the petitioners, the petitioners abused the defacto complainant using abusive and threatening words and also attacked him using their hands. Further, the petitioners attacked on the left cheek using a key, due to which he sustained blood injury and further, he fell down and swoon. The neighbour assembled, rescued the defacto complainant and took him to the Government Hospital, Gudiyatham where the 1st respondent Police had come there and recorded the statement of the defacto complainant and a case in Crime No.258 of 2022 registered for offence under Sections 294(b), 323, 324 and 506(ii) of IPC.

3.It is a case in counter. On complaint of the 1st petitioner, a case in Crime No.257 of 2022 was registered, for offence under Sections 147,



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148, 294(b), 323, 324 and 506(ii) of IPC against the 2nd respondent and eight others.

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

5. Learned Additional Public Prosecutor appearing for the 1st respondent Police submitted that a counter case was registered against the 2nd respondent and eight others in Crime No.257 of 2022. After registration of the case, there is no dispute between the petitioners and the 2nd respondent and now, the issues got resolved between them. He further submitted that the Police enquired and verified the compromise between the parties.



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6.The petitioners as well as the 2nd respondent are present before this Court, they are identified by Mr.P.Ananthan, Special Sub Inspector of Police attached to the 1st respondent Police Station. The 2nd respondent appeared before this Court, reaffirms the compromise entered with the petitioners and he is not inclined to further pursue the case in Crime No.258 of 2022.

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 got resolved between them and a Joint Compromise Memo and supporting affidavit filed before this Court.

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**



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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.258 of 2022, dated 31.05.2022 on the file of the 1st respondent Police. Quashing the FIR would be right to render justice to the parties.

9.In view of the above, the FIR in Crime No.258 of 2022, dated 31.05.2022 on the file of the 1st respondent Police is hereby quashed. Accordingly, this Criminal Original Petition is allowed.

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Index: Yes/No
Internet: Yes/No
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To

1.The Inspector of Police,
Gudiyatham Town Police Station,
Gudiyatham, Vellore – Dist.

2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.
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