



CrI.O.P.No.1769 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.1769 of 2024

Vinoth Kumar @ Perumalpattu Vinoth,
S/o.Balaji

... Petitioner

Vs.

1.State represented by,
The Inspector of Police,
B-4, Sevvapet Police Station,
Thiruvallur District.
(Crime No.222/2023)

2.Marimuthu,
S/o.Ramasamy

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records in Crime No.222 of 2023 on the file of the Inspector of Police, B4, Sevvapet Police Station, Thiruvallur District and quash the same.

For Petitioner : Mr.S.Senthil Kumar

For Respondents : Mr.A.Gopinath for R1
Government Advocate (Criminal Side)



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Crl.O.P.No.1769 of 2024

ORDER

The Criminal Original Petition has been filed to quash the FIR in Crime No.222 of 2023 on the file of the Inspector of Police, B4, Sevvapet Police Station, Thiruvallur District.

2. The case is still at the stage of investigation. the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. The Joint Memo of Compromise dated 10.01.2024 has been filed before this Court which have been signed by the petitioner and the 2nd respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.S.Rameshkumar, SSI, B4 Sevvapettai Police Station, Thiruvallur, [Mobile: 9498129380].

4. The 2nd respondent / defacto complainant who present before this Court stated that no such incident as alleged in the FIR took place



Crl.O.P.No.1769 of 2024

and infact, he does not even know the petitioner. He further stated that the police got signature and phone number and thereafter, they have created the complaint.

5. The learned Government Advocate (crl.side) appearing on behalf of the 1st respondent vehemently opposed to entertain this quash petition based on the compromise. He stated that the petitioner is an history sheeter and that there are already two previous cases pending against him in Cr.No223 of 2021, on the file of the Inspector of Police, Mangadu, and Cr.No.1904 of 2020, pending on the file of the 1st respondent Police. He submitted that the petitioner is an history sheeter in H.S.NO.6 of 2023 and therefore, he cannot be let out in this case based on compromise.

6. In the considered view of this Court, if this quash petition had been filed on the basis of compromise, this Court would have dismissed the petition considering the antecedents of the petitioner. However, this is a case where the defacto complainant who is present before this Court states that no such incident took place and his signature was obtained by



Crl.O.P.No.1769 of 2024

the Police in a blank paper and he never give complaint to the Police and if this is a stand of the defacto complainant, no useful purpose will be served in sending the case for trial. The defacto complainant is going to repeat the same statement before the Trial Court and the case is going to end up in an acquittal.

7. Under such circumstances, no useful purpose will be served in keeping the First Information Report 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 First Information Report in Crime No.222 of 2023, on the file of the 1st respondent Police.

8. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.222 of 2023, on the file of the 1st



Crl.O.P.No.1769 of 2024

WEB COPY

respondent police, is quashed and the terms of affidavit shall form part

and parcel of this order. The petitioner shall pay a sum of Rs.2,500/-

(Rupees Two Thousand and Five Hundred only) as costs, to the credit of

the **President, Tamil Nadu Advocates Clerk Association, Madras High**

Court, Chennai (Indian Bank, High Court Branch, A/c

No.484026006,IFSC Code:IDIB000M157), within a period of one

week from the date of receipt of a copy of this order.

01.02.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1.The Inspector of Police,
B-4, Sevvapet Police Station,
Thiruvallur District.

2.The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.1769 of 2024

N.ANAND VENKATESH, J.

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Crl.O.P.No.1769 of 2024

01.02.2024