



Crl. O.P. No.2499 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.2499 of 2023

Veera @ Veera Kumar S/o. Arumugam

... Petitioner

Vs.

1.The State Rep. by
The Inspector of Police,
Namakkal Rural Police Station,
Namakkal District.
[Crime No.1962 of 2021]

2. Sangeetha S/o. Ganesan

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating to the impugned FIR in Crime No.1962 of 2021 on the file of the 1st respondent and to quash the same.

For Petitioner : Mr. A. Sundaravadhanan

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

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings



in Crime No.1962 of 2021 pending on the file of first respondent.

2. The learned Government Advocate (Crl. Side) submitted that the petitioner is an history sheeter and against him, there are 10 cases pending. Therefore, the learned Government Advocate (Crl. Side) vehemently opposed to quash the FIR.

3. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. The defacto complainant who was present before this Court stated that she does not know to read and write and that she was asked to sign in the complaint that was already prepared by the respondent police. She further stated that the incident as projected in the complaint did not take place.

5. A Joint Memo of Compromise dated 21.02.2024 signed by both petitioner and second respondent/*de facto* complainant and their respective counsel has been filed before this Court. A compromise affidavit has also been filed by the second respondent/de-facto complainant before this Court. In the affidavit it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in Crime No.1962 of 2021 pending on the file of first



respondent. The petitioner and second respondent were also present in person before this Court. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. In the light of the stand taken by the defacto complainant, no useful purpose will be served in keeping the case pending, even though, the offences involved are not compoundable in nature. Ultimately, it is the defacto complainant has to speak about the incident and she has made it clear that the no incident has been taken place in the manner in which it is projected by the prosecution. 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 Suprme 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. quashes the FIR in Crime No.1962 of 2021 pending on the file of first respondent.

7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Cr. No.1962 of 2021, on the file of the 1st respondent is quashed in entirety for all the accused persons. The petitioner shall pay a sum of Rs.5,000/-



Crl. O.P. No.2

(Rupees Five Thousand 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 two

weeks from today and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

23.02.2024

Index : Yes/No

Internet : Yes/No

Speaking/Non-Speaking Order

mjs

To

1.The Inspector of Police,
Namakkal Rural Police Station,
Namakkal District..

2. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

mjs

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