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Crl.O.P No.22642 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.22642 of 2023

1.K.S.Arul

2.K.E.Sekar

Petitioners/Accused 1 and 2

.VS.

1.The Sub Inspector of Police
D4, R.K.Pettai Police Station
R.K.Pettai Taluk, Tiruvallur District.

..1st Respondent /Complainant

Crime No.178 of 2023

2.K.A.Moganavelu

..2nd Respondent/De facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in FIR in Crime No.178 of 2013 dated 7.6.2013, on the file of 1st respondent police and quash the same.

For Petitioners : Mr.K.Venkatesan

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



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ORDER

The Criminal Original Petition has been filed seeking to call for the records and quash the FIR in Crime No.178 of 2013 dated 7.6.2013, pending on the file of the 1st respondent.

2. The case is still in the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3.It is stated that the 2nd respondent had given two other complaints against the petitioners and two others before the 1st respondent Police and the same resulted in registration of two FIRs in Crime No.107 of 2012 and Crime No.199 of 2013. Even in those cases, the parties had compromised and the FIR was quashed by this Court on the basis of compromise in Crl.OP.No.6645 of 2022 dated 25.7.2023 and Crl.OP.No.7080 of 2022 dated 25.7.2023 respectively. This is yet another complaint given by the 2nd respondent against the petitioners which has also resulted in a compromise.

4. A Joint Compromise Memo dated 25.9.2023, signed by both the petitioners and the respondents has been filed before this Court. In order to identify the respective parties they have also produce the copy of the Aadhaar Card is made part of the record. The petitioners and the 2nd respondent/de facto complainant were also present in person before this Court. In the joint compromise memo, it has been



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stated that the petitioners and the respondents have entered into a compromise and amicably settled their issues in Crime No.178 of 2013 dated 7.6.2013, pending on the file of the 1st respondent.

5. Under such circumstances, no useful purpose will be served in keeping the case 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, quash the FIR in Crime No.178 of 2013 dated 7.6.2013, pending on the file of the 1st respondent.

6. This Criminal Original Petition stands allowed and as a sequel, investigation in Crime No.178 of 2013 dated 7.6.2013, pending on the file of the first respondent, is hereby quashed and the terms of Joint Compromise Memo shall form part and parcel of this order. Each of the petitioner shall pay a sum of Rs.1500/- (Rupees one thousand five hundred only) as costs, to the credit of the **President, Tamil Nadu Advocate's 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 the date of receipt



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of copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

7.Post this case for reporting compliance on **23.01.2024.**

02.01.2024

Note: **Issue order copy on 05.01.2024**

Index : Yes/No

Speaking Order/Non-Speaking Order

Neutral citation : Yes/No

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To

- 1.The Sub Inspector of Police
D4, R.K.Pettai Police Station
R.K.Pettai Taluk, Tiruvallur District.

- 2.The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH., J

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