

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.11186 of 2015
and M.P.No.1 of 2015

1.M.H.Shahul Hameed
2.M.H.Mohamed Arif
3.M.H.Jainudeen

... Petitioners/A1 to A3

Vs

1.The State, rep by Inspector of Police,
B-13, Podanur Police Station,
Coimbatore.Ist Respondent/Complainant
(Cr.NO.152/2015)

2.S.Nowsad 2nd Respondent/
Defacto Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying for a direction to call for the records relating to Crime
No.152 of 2015, on the file of the Inspector of Police, B-13,
Podanur Police Station, Coimbatore and to quash the same.

For Petitioners : Mr.V.Anandhamurthy

For Respondents : Mr.C.Emalias,

Addl. Public Prosecutor [for R1]
Mr.D.Gopal [for R2],

O R D E R

This Criminal Original Petition has been filed praying for a
direction to call for the records relating to Crime No.152 of 2015,
on the file of the Inspector of Police, B-13, Podanur Police
Station, Coimbatore and to quash the same.

2. Heard the learned counsel for the petitioners; the learned
Additional Public Prosecutor appearing for the 1st respondent and
the learned counsel appearing for the 2nd respondent and perused the
materials placed on record.

3. On a complaint lodged by one Nowsad, the respondent police
initially conducted a petition enquiry in CSR.No.57 of 2015. While
the petition enquiry was pending, on a petition filed by Nowsad in
Crl.O.P.No.7692 of 2015, this Court issued direction to the
respondent police to register a case, pursuant to which, the
respondent police registered a case in Crime No.152 of 2015 on
12.04.2015 for the offences under Sections 381, 506[i] IPC against

seven persons.

4. Now, the present application has been filed by three accused contending that the accused have amicably settled all the issues with the defacto complainant and they have also entered into a Memorandum of Understanding on 18.04.2015. Mr.D.Gopal, learned counsel [enrolment No.2920/2008] appears for Nowsad the defacto complainant and he has filed an affidavit sworn by Nowsad, wherein in paragraph No.4, it is stated as follows:

"Meanwhile, the elders in jamath, the well wishers, and friends intervened in the matter and advised both me and the 1st petitioner to go for an amicable settlement and to put an end to the longstanding disputes. The petitioners also approached me for settlement and as such, both myself and the 1st petitioner have decided to go for an amicable settlement in the presence of elders in jamath and well wishers. We have entered into a Memorandum of Understanding on 18.04.2015. Accordingly, the 1st petitioner agreed to pay and paid Rs.10lakhs to me towards full and final settlement. We have also recorded the settlement before the District Munsif Court, Coimbatore in the respective suits by filing necessary petitions and memos. Therefore we have amicably settled all the issues and disputes between me and the petitioners. Though the Memorandum of Understanding is entered into between me and the 1st petitioner, the other petitioners 2 & 3 and their staffs are not involved in any issues and disputes between me and the 1st petitioner. In view of such supervening circumstances, I am not interested in proceeding the criminal case further and I have decided to put an end to all and entire proceedings. The Memorandum of Understanding may be read as part and parcel of this affidavit."

A copy of the affidavit has also been given to the respondent police.

5. In view of the settlement entered into between the parties, relying upon the judgment of the Hon'ble Supreme Court in Narinder Singh and Others Vs State of Punjab and Another reported in [2014] 6 SCC 466, the entire proceedings in Crime No.152 of 2015 pending on the file of the Inspector of Police, B-13, Podanur Police Station is hereby quashed with regard to all the accused in the FIR including the accused who has not approached this Court and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy

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To

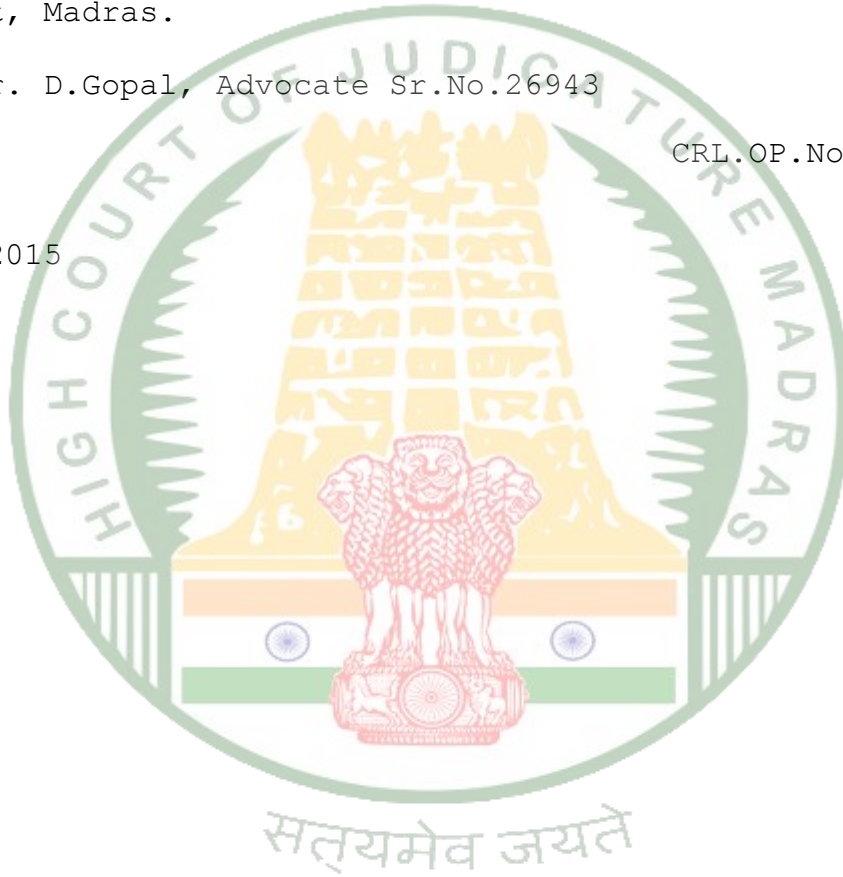
1.The Inspector of Police,
B-13, Podanur Police Station,
Coimbatore.

2.The Public Prosecutor,
High Court, Madras.

1 cc to Mr. D.Gopal, Advocate Sr.No.26943

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