

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.06.2015

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.11187 of 2015

and

M.P.No.1 of 2015

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

... Petitioners

Vs

1.The State, rep by Inspector of Police,
P-1, Pulianthope Police Station,
Chennai.

2.S.Nowsad

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying for a direction to call for the records relating to Crime
No.2239 of 2014, on the file of the Inspector of Police, P-1,
Pulianthope Police Station, Chennai and to quash the same.

For Petitioners : Mr.V.Anandhamurthy

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor[for R1]
Mr.D.Gopal [for R2]

सतममेव जयते
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.2239 of
2014, on the file of the Inspector of Police, P-1, Pulianthope
Police Station, Chennai 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. It is seen that on a complaint given by one S.Nowsad, the respondent police registered a case in Crime No.2239 of 2014 on 21.08.2014 for the offences under Section 406, 420 and 506[i] IPC against the petitioners herein.

4. It is represented by the learned counsel for the petitioner that during the pendency of investigation, the petitioners and the defacto complainant by name S.Nowsad have arrived at a compromise and they have agreed to amicably settle all the issues. They have also entered into a Memorandum of Understanding dated 18.04.2015. A copy of which has also been enclosed in the typed set of papers.

5. Mr.D.Gopal, learned counsel [enrolment No.2920/2008] appears for Nowsad the defacto complainant had filed an affidavit of 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 in respect of between me and the petitioner. 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."

The respondent police has also been furnished with a copy of the affidavit.

6. 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.2239 of 2014 pending on the file of the Inspector of Police, P-1, Pulianthope Police Station, Chennai 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(CS III)

//True Copy//

Sub Assistant Registrar

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To

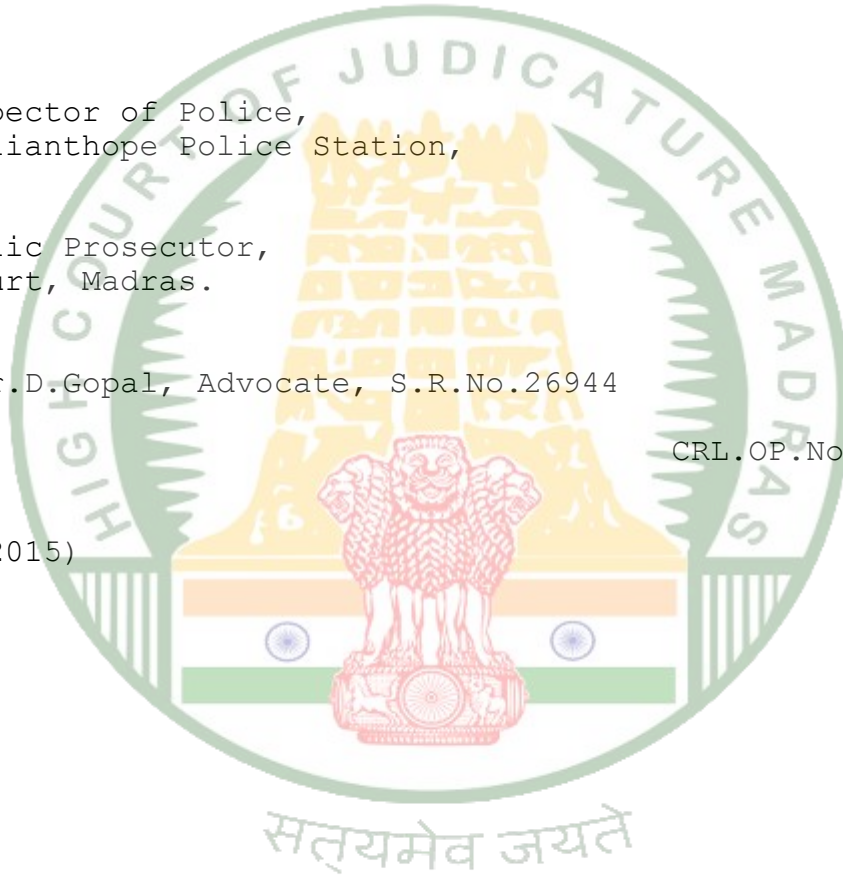
1.The Inspector of Police,
P-1, Pulianthope Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Gopal, Advocate, S.R.No.26944

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SKV(CO)
CA(17/06/2015)



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