

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.2533 of 2015

Imran Ghouse

.. Petitioner/Accused

Vs

1. The Inspector of Police,
D-3, Ice House Police Station,
Chennai - 5.

2. Ikram Hussain .. Respondents/Complainants

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records in C.C.No.5602 of 2012 pending on the file of
the learned XIII Metropolitan Magistrate, Egmore, Chennai and to
quash the same.

For Petitioner : Mr.N.Subramani

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor for R1

ORDER

This petition is filed to quash the proceedings in C.C.No.5602
of 2012 on the file of the learned XIII Metropolitan Magistrate,
Egmore, Chennai.

2. On a complaint lodged by Ikram Hussain, the respondent
police registered a case in Crime No.1708 of 2012 against Imran
Ghouse for offences under Sections 341, 324, 506 (ii) IPC altered
into Sections 341, 326 and 506 (ii) IPC and after completing the
investigation, final report was filed before the learned XIII
Metropolitan Magistrate, Egmore, Chennai, which was taken on file in
C.C.No.5602 of 2012.

3. Now the petitioner and the defacto complainant appear to
have entered into a compromise and are seeking to quash the
proceedings. Today the petitioner and the defacto complainant are
present and they have filed a compromise memo. The defacto
complainant has filed an affidavit, wherein, in paragraph Nos.3 and
4, it is stated as follows:

"3.I states that, after investigation the respondent police has filed Charge sheet before the learned XIII Metropolitan Magistrate Court, Egmore, Chennai in C.C.No.5602 of 2012. The chief Examinations of PW1 to PW4 are completed. In the meanwhile the petitioner got apology from me and the parents and elders of both families settled the matter amicably. Since the above complainants long pending before the Court, both parties could not concentrate their daily works.

4.I states that, in the meanwhile I am willing to withdraw my complaint and approached the learned XIII Metropolitan Magistrate, Egmore and I gave affidavit stating to close my complaint. Since the offences are non compoundable one, the learned Magistrate advised both parties to approach the Hon'ble High Court for remedy if any."

4. In view of the settlement arrived at between the accused and the defacto complainant and relying upon the judgment of the Honourable Supreme Court in Narinder Singh and Others Vs. State of Punjab and another reported in (2014) 6 SCC 466, this petition is allowed and the proceedings in C.C.No.5602 of 2012 on the file of the XIII Metropolitan Magistrate, Egmore, Chennai is hereby quashed.

vsm

-s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1. The XIII Metropolitan Magistrate, Egmore, Chennai.
2. -do- thro' The Chief Metropolitan Magistrate, Egmore, Chennai 8.
3. The Inspector of Police, D-3, Ice House Police Station, Chennai - 5.
4. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.N.Subramani, Advocate SR 27384

sr(co)
prk18/6

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