

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Cr1.O.P.No.26440 of 2016

1.Sadiq Ali
2.Mohammed Nagoor Hanifa
3.Hidhyadhullah
4.Mukthar Ali
5.Yaser Arafat
6.Amjath Ali ... Petitioners / Accused

Vs

1.The State, represented by
The Inspector of Police,
D.4, Zam Baazar Police Station,
Chennai.
2.R.Mukesh ... Respondents /
Complainant Defacto Complainant

Criminal Original Petition filed under Section 482
Cr.P.C. to call for the records in PRC No.118 of 2014 on the
file of the learned XIII Metropolitan Magistrate, Egmore,
Chennai and to quash the same.

For Petitioners : Mr.V.Kannadasan

For respondents : Mr.C.Emalias,
Addl. Public Prosecutor,
for R1
Ms.S.Valliamman,
for R2

ORDER

The present criminal original petition has been filed
to call for the records in PRC No.118 of 2014 pending on the
file of the learned XIII Metropolitan Magistrate, Egmore,
Chennai and to quash the same.

2. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioners and the learned counsel appearing for the second respondent / de facto complainant represented that the dispute between the parties was amicably settled and they have also entered into a compromise to that effect. The terms of the said memorandum of compromise are as follows:-

MEMO OF COMPROMISE

The persons (1) R.Mukesh, S/o.A.Raja, male aged about 24 years (2) A.Raja, s/o. Appadoss, male aged about 48 years, (3) Mrs.R.Kalavathi, wife of A.Raja, female aged about 45 years, all are residing at No.7/4, Subathral Street, Triplicane, Chennai-5 (4) R.Chandrasekar, s/o. Rathinam, male aged about 49 years, residing at No.23/15, Pillayar Koil Street, Triplicane, Chennai-5 and (5) I.Suhailahmad, s/o. Iqbal, male aged about 24 years residing at 34/44, Appavoo Street, Triplicane, Chennai-5, are herein called as FIRST PART

AND

The persons (1) Mr.Sadiq Ali, w/o. Khaja Nijamuddian, male aged about 34 years, residing at No.13/10, Abdul Kareem Cross Street, Chepauk, Chennai-5 (2) Mr.Mohammed Nagoor Hanifa, s/o. Thulfiner, male aged about 32 years residing at No.22/2, Muthurunissa Begam, 6th Street, Ellis Road, Anna Salai, Chennai-2 (3) Mrs.Hidhyadhullah, s/o. Najimudeen, male aged about 36 years, residing at No.5/1, Miyan Sahib 1st Street, Chepauk, Chennai-5 (4) Mr.Mukthar Ali, s/o.Doulathkhan, male aged about 29 years, residing at No.27/2, Pillayar Koil Street, Triplicane, Chennai-5 (5) Mr.Yaser Arafat, s/o.Thameen Ansari, male aged about 28 years, residing at No.3/2, Kaffor Sahib Street, J.J.Khan road, Royapettah, Chennai-14 and (6) Mr.Amjath Ali, s/o. Doulathkhan, male aged about 36 years residing at No.27/2, Pillayar Koil Street, Triplicane, Chennai-5 are herein called as SECOND PART.

1. The SECOND PART herein lodged a police complaint against the FIRST PART on 23.11.2014 with the D-4, Zam Bazaar Police Station, Chennai. On his complaint, a case was registered in D-4 P.S.Crime No.1026 of 2014 for an alleged offence under Sections 147, 341, 294 (b), 323 and 506(i) of I.P.C. On a counter complaint filed by the No.1 of the FIRST PART herein against the SECOND PART, a case was registered by the same police

in Crime No.1027 of 2014 for an alleged offence under Sections 147, 341, 294(b), 324, 307 and 506(ii) I.P.C. Among the FIRST PART and SECOND PART, all were either released on bail or anticipatory bail in both the cases. Even during the time of bail the FIRST PART showed compromise gestures towards the SECOND PART and both were compromised themselves. Meanwhile, the D-4, Zam Bazaar Police filed a final report in their Crime No.1026 of 2014 before the learned XIII Metropolitan Magistrate, Chennai and the same was numbered as C.C.No.6532 of 2016. In Crime No.1027 of 2014 concerned they filed a final report before the same court and it is pending in PRC No.118 of 2016 and no summons were issued to the accused in this case.

2. Now, both the FIRST PART and SECOND PART amicably settled the dispute between them and both the parties are ready to withdraw their complaint and allegations against each other since the dispute between them arose only on misunderstanding between them and now they intended not to pursue the case against each other and both the parties are ready to file an affidavit in case the FIRST PART and SECOND PART file any quash petitions before the Hon'ble High Court.

3. It is agreed that all the above named parties should not pursue further proceedings against each other pertaining to the above case in future. "

Thus, the learned counsel for the respective parties pleaded that the said compromise may be recorded and the case may be closed.

3. Therefore, recording the said memo of compromise, the criminal original petition is closed.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

sbi

To

1.The XIII Metropolitan Magistrate,
Egmore, Chennai.

2.The Inspector of Police,
D.4, Zam Baazar Police Station,
Chennai.

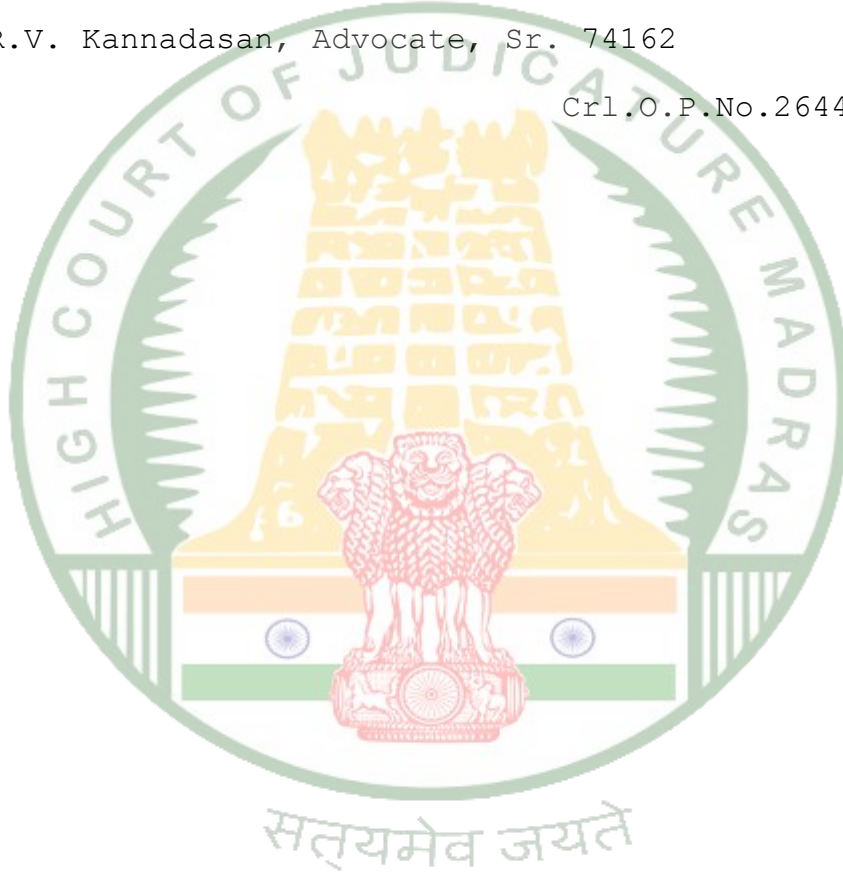
3. Do thro the Chief Metropolitan Magistrate
Egmore, Chennai

4.The Public Prosecutor,
High Court, Madras.

1 cc to MR.V. Kannadasan, Advocate, Sr. 74162

Crl.O.P.No.26440 of 2016

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