

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Cr1.O.P.No.21615 of 2018

1. S.M.Kamaludeen
2. Shaheen Begam
3. Balasundaram
4. Hassan Ali
5. Hussain @ Mohammed Hussain Petitioners/Accused
1 to 5

Vs

State represented by

1. The Inspector of Police, ... Respondent/Complainant
Thuraipakkam Police Station,
Adyar, Chennai.
2. Gowri Respondent/Defacto Complainant

Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records and quash the F.I.R in Crime No.1174 of 2018 on the file of the Inspector of Police, Thuraipakkam Police Station, Adyar, Chennai as against the petitioner.

For Petitioner : Mr.C.R.Malarvannan

For R1 : Ms.M.Prabhavathi
Additional Public Prosecutor

For R2 : Mr.T.Premkumar

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O R D E R

This Criminal Original Petition has been filed to call for the records and quash the F.I.R in Crime No.1174 of 2018 on the file of the Inspector of Police, Thuraipakkam Police Station, Adyar, Chennai, as against the petitioner.

2.On the complaint lodged by Gowri, the respondent police

have registered a case in Crime No.1174 of 2018, for the offences under Sections 406, 341, 294(b) and 506(2) IPC against Kamaludeen and four others, for quashing which, this application has been filed on the ground that the parties have arrived at a compromise.

3.Today, Gowri, the de facto complainant, S.M.Kamaludeen (A1), Shaheen Begam (A2), Balasundaram (A3), Hassan Ali (A4) and Hussain @ Mohammed Hussain (A5) are present, who are all identified by Mr.G.Baskar, Police Constable Grade-I, J9 Thuraipakkam Police Station, Adyar, Chennai, who is also present before this Court.

4.Gowri has filed an affidavit dated 31.08.2018, wherein, in Paragraph Nos.3 to 6, she has stated as follows :

"3. I state that the above said F.I.R came to be registered on a complaint given by me against the petitioners for the offences under Sections 406, 341, 294(b) & 506(2) of IPC. Apart from the above said case there are other civil cases pending between me and the 1st and 2nd petitioners.

4. I state that under these circumstances the petitioners are coming forward for an amicable settlement and compromise the issue. The common friends and relatives for both of us also advise us to put a full stop to the whole litigation and purchase peace. Hence, I have decided to bring this litigation to an end by entering into a compromise. Accordingly I have entered into a Memorandum of Understanding with the 2nd Petitioner on 30.08.2018 with certain terms and conditions. In view of the compromise between us, I agree to compound the offences with the petitioners and state my no objection to quash the F.I.R. In Cr.No.1174 of 2018 on the file of the Inspector of Police, Thuraipakkam Police Station, Adyar, Chennai.

5. I further state that I am swearing this affidavit on my own volition and nobody has either threatened or forced me to file this affidavit.

6. I declare that the facts stated above by me are all true and correct to the best of my knowledge."

5.In view of the above, the prosecution in Crime No.1174 of 2018 on the file of the Inspector of Police, Thuraipakkam Police Station, Adyar, Chennai, against all the accused is quashed, and as a sequel, this Criminal Original Petition is

allowed on condition that the accused shall pay a sum of Rs.1,000/- each (totally Rs.5,000/-) as costs to the credit of the Chief Justice Relief Fund [payable in Accounts Section of the High Court Registry], within a period of two weeks from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

Sd/-

Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

mkn/ssr

To

1. The Inspector of Police,
Thuraipakkam Police Station,
Adyar, Chennai.
2. The Public Prosecutor,
High Court, Madras.
3. The Section Officer, (Chief Justice Relief Fund) Rs.5,000/-
Accounts Section,
High Court, Madras.

+lcc to Mr.C.R.Malarvannan, Advocate SR.No.68369

CRL.O.P.No. 21615 of 2018

GMV(16/10/2018)

सत्यमेव जयते

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