

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.Nos.24735 and 25100 of 2018
and
CRL.M.P.Nos.13959 and 14176 of 2018

Cr1.O.P.No.24735/2018

1.A.Mahammod
2.Mahadeer @ Mahadeer Mohammed @ Settu
3.Noor @ Noor Mohammed
4.Umar @ Mohammed Umar
5.Muhamed Ariff
6.Kaleel
...Petitioners

-Vs-

1.State Rep by
The Inspector of Police,
Salem Town Police Station,
Salem.
2.Fazil Ahamed
...Respondents

Cr1.O.P.No.25100/2018

1.Syed Ibrahim
2.Bazil Mohammed @ Fazil Ahamed
3.Basha @ Mahaboob Basha
4.Alavudheen
5.Niyamadh
6.Idhayat @ Idhayat Sherif
...Petitioners

-Vs-

1.State rep by
The Inspector of Police,
Salem Town Police Station,
Salem.
2.Mohammed Ariff
...Respondents

COMMON PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C., praying to call for the entire records concerned in Cr.Nos.431 and 430 of 2018 on the file of the Inspector of Police, Salem Town Police Station, Salem and quash the same.

For Petitioners : Mr.C.Prakasam

For Respondents : Ms.M.Prabhavathi (for R1)
Additional Public Prosecutor

C O M M O N O R D E R

On the complaint launched by Mohammed Ariff, the respondent police have registered a case in Cr.No.430 of 2018 on 27.06.2018 under Sections 147, 148, 294 (b), 323, 324 and 506 (2) IPC against the petitioners herein, for quashing which the petitioners have filed CrI.O.P.No.25100 of 2018.

2.Similarly, on the complaint launched by Fazil Ahamed, the respondent police have registered a counter case in Cr.No.431 of 2018 on 27.06.2018 under Sections 147, 148, 294 (b), 323, 324 and 506 (2) IPC against the petitioners herein, for quashing which the petitioners have filed CrI.O.P.No.24735 of 2018.

3.It appears that the petitioners in both cases had clashed on account of some money dispute and that they have now arrived at a compromise, pursuant to the intervention of the elders in the local Jamath. Therefore, they have filed the above two petitions for quashing the First Information Reports in Cr.Nos.430 and 431 of 2018.

4.Today, Mr.N.Kannan, Sub-Inspector of Police attached to Salem Town Police Station is present before this Court.

5.Mohammed Ariff, the de-facto complainant in Cr.No.430 of 2018 has filed an affidavit dated 07.10.2018, wherein in paragraph 1, it has been stated as follows:

"1.I submit that I am the defacto complainant in the above said case and I am the 2nd respondent in the said quash petition, since due to money transaction, I lodged complaint against the petitioners in turn the petitioners also lodged complaint against my parties, in this connection the elders of our both families and local Jamath compromised the issue and asked us to withdraw the both complaints hence we entered into compromise by withdraw the both complaints, now the petitioners herein filed quash petition before this Hon'ble

Court and I have no objection for quashing the above said FIR in Cr.No.430 of 2018 on the file of the Inspector of Police, Salem Town Police Station, Salem."

6. Similarly, Fazil Ahamed, the de-facto complainant in Cr.No.431 of 2018 has filed an affidavit dated 07.10.2018, wherein in paragraph 1, it has been stated as follows:

"1. I submit that I am the defacto complainant in the above said case and I am the 2nd respondent in the said quash petition, since due to money transaction, I lodged complaint against the petitioners in turn the petitioners also lodged complaint against my parties, in this connection the elders of our both families and local Jamath compromised the issue and asked us to withdraw the both complaints hence we entered into compromise by withdraw the both complaints, now the petitioners herein filed quash petition before this Hon'ble Court and I have no objection for quashing the above said FIR in Cr.No.431 of 2018 on the file of the Inspector of Police, Salem Town Police Station, Salem."

7. In view of the above, these petitions are allowed and the First Information Reports in Cr.Nos.430 and 431 of 2018 are hereby quashed and the petitioners in both CrI.O.P.Nos.24735 and 25100 of 2018 are directed to pay a sum of Rs.1,000/- each to the Chief Justice Relief Fund, High Court, Madras, within a period of one week from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kkn/gsa

To

1. The Inspector of Police,
Salem Town Police Station,
Salem.

WEB COPY

2.The Public Prosecutor,
High Court,
Madras.

3.The Section Officer,
Account Section,
High Court,
Madras.

+2cc to Mr.C.Prakasam, Advocate Sr.No.74089,74090

CRL.O.P.Nos.24735 and 25100 of 2018
and
CRL.M.P.Nos.13959 and 14176 of 2018

CSL/12.11.2018



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