

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9640 of 2019

1.Thahera Akbar

2.Shiraz Farhan Kokan

...Petitioners/Accused 1 & 2

Vs.

1.State rep. By its

Inspector of Police,

K-4 Anna Nagar Police Station,

Chennai.

2.Gouhar Habib

...Respondents/Complainant,
Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and quash the Criminal proceedings in C.C.No.718 of 2015 on the file of the Hon'ble V Metropolitan Magistrate Court, Egmore, Chennai.

For Petitioner : Mr.H.Manivannan

For Respondents

For R1 : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

For R2 : Mr.G.Maniprabhu

ORDER

This Criminal Original Petition has been filed to quash the C.C.No.718 of 2015 on the file of the V Metropolitan Magistrate Court, Egmore, Chennai pursuant to the compromise arrived at by the parties.

2. The case is still in the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsel. All the parties are present and identified by their respective counsel and the Police. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card are made part of the record. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. Under such circumstances, no useful purpose will be served in keeping the Calender case pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in C.C.No.718 of 2015.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.718 of 2015, on the file of the V Metropolitan Magistrate Court, Egmore, Chennai, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this Order. The petitioners shall pay a sum of Rs.5000/-, as costs, to the Kaakkum Karangal, Old No.7, New-39, East Madha Street, Thiruvanmiyur, Near Temple Tank, Chennai-600 041. Ph.9144-24401825, within a period of one week 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.

ENCL: XEROX COPY OF JOIN COMPROMISE MEMO

Sd/-

Deputy Registrar(J)

//True Copy//

Sub Assistant Registrar

rri
To

- 1.The Inspector of Police,
K-4 Anna Nagar Police Station, Chennai.
 - 2.The V Metropolitan Magistrate Court, Egmore, Chennai.
 - 3.The Public Prosecutor, High Court, Madras.
 - 4.The Kaakkum Karangal,
Old No.7, New-39, East Madha Street,
Thiruvanmiyur, Near Temple Tank,
Chennai-600 041. Ph.9144-24401825,
 - 5.The Section Officer,
Criminal Section, High Court, Madras.
- +3 cc to Mr.H.Manivannan, Advocate, Sr.No. 36764

CrI.O.P.No.9640 of 2019

CSL/07.06.2019