

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.10607 of 2019

Karimmulla@Karim

...Petitioner

Vs.

1.The State Rep. by
The Inspector of Police
M-5, Ennore Police Station
Ennore
Chennai-57

2.Karimmulla @ Karim

....Respondents

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to Crime No.899/2018 dated 25.10.2018 on the file of the 1st respondent and to quash the same.

For Petitioner : Mr.Saranraj S.

For Respondents : Mr.Mohamed Riyaz
Addl. Public Prosecutor for R1

Mr.E.Gokulnath for R2

ORDER

This Criminal Original Petition has been filed to call for the records to call for the records relating to Crime No.899/2018 dated 25.10.2018 on the file of the 1st respondent and to quash the same.

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. An affidavit has been filed by the 2nd respondent / defacto complainant before this Court. 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 sides and was satisfied that the parties have come to an amicable settlement between themselves.

4. Incidentally, on an identical set of facts, the Hon'ble Supreme Court had an occasion to compound the offence under Section 306 IPC r/w Section 34 IPC, wherein, after referring to Full Court Judgment of the Punjab and Haryana High Court and held as follows:

The relevant portion of the judgment in 2013 SCC Online P & H 23906 in a case of Raj Singh Ahlawat and others Vs. State of Haryana and another in CrI.Mis.No.M-39269 of 2012 dated 18.11.2013 is extracted below:

As per Full Bench Judgment of this Court in Kulwinder Singh Vs. State of Punjab, 2007(3) RCR (Criminal) 1052, High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court felt that the same was required to prevent the abuse of the process of any Court or to otherwise secure the ends of justice. This Power of quashing is not confined to matrimonial disputes alone.

5. Under such circumstances, no useful purpose will be served in keeping the First Information Report 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 Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in Crime No.899 of 2018 dated 25.10.2018 pending on the file of the 1st respondent.

6. Accordingly, This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.899 of 2018 dated 25.10.2018 pending on the file of the 1st respondent is quashed and the terms of the affidavit filed by the 2nd respondent shall form part and parcel of this Order. The petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only), as costs, to the Manasu (Mana Nala Sugalayam), No.695/2, Vaithiar Street, Thirusulam, Chennai-43, Ph.+91-044-22640809 / 7299110658,

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.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

kas

To

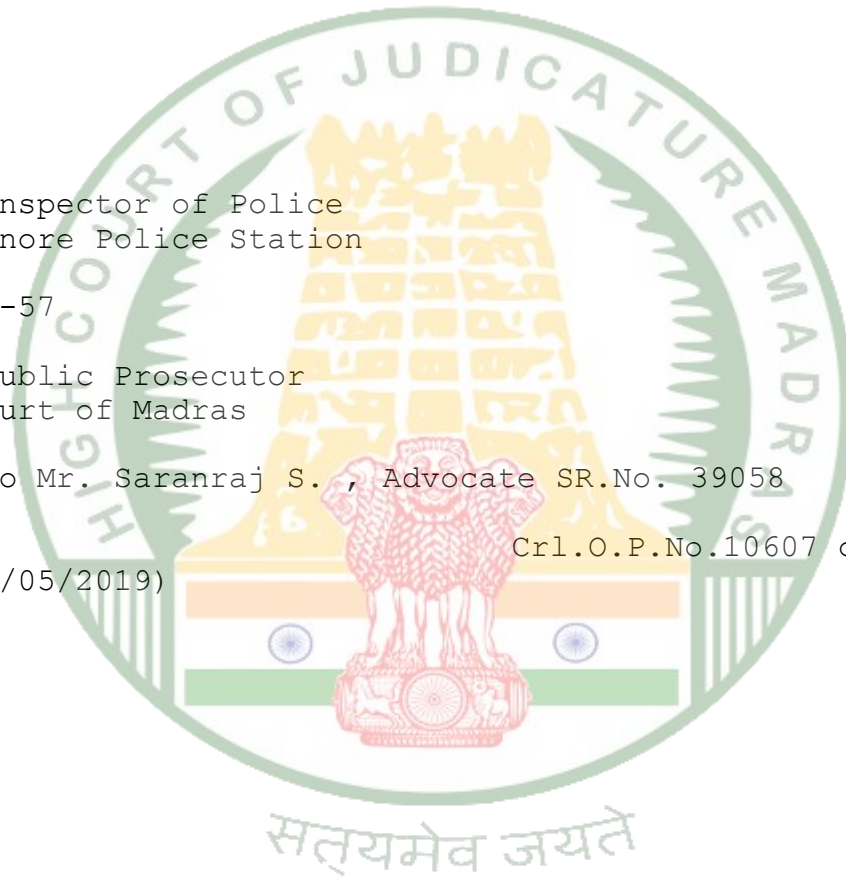
1.The Inspector of Police
M-5, Ennore Police Station
Ennore
Chennai-57

2.The Public Prosecutor
High Court of Madras

+2ccs to Mr. Saranraj S. , Advocate SR.No. 39058

CrI.O.P.No.10607 of 2019

A.SK(28/05/2019)



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