

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.19402 of 2019
and
Crl.M.P Nos.9941 & 9942 of 2019

1. Ameer Sultan @ Vidial Sultan
2. Ismail
3. Syed Abdullah Hussain @ Abdullah
4. Abdul Kader
5. Habeeb Mohamed
6. Ziyaullah

Petitioners/Accused 1, 2, 4 to 7

vs.

1. The State rep. by
The Inspector of Police,
D4, Jam Bazaar Police Station,
Chennai.

Respondent/Complainant

2. Selvakumar

Respondents/Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in P.R.C.No.108 of 2012 pending on the files of the II Metropolitan Magistrate Court, Egmore, Chennai and quash the same as illegal and without jurisdiction.

For Petitioner : Mr.I.Abdul Basith

For Respondents : Mr.C.Raghavan
Government Advocate for R1

Mr.A.Mohamed Feroz for R2

ORDER

The Criminal Original Petition has been filed to call for the records in P.R.C.No.108 of 2012 pending on the files of the II Metropolitan Magistrate Court, Egmore, Chennai and quash the same.

2. The case is still at the stage of Trial. By passage of

time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. The Affidavit dated 24.07.2019 has been filed by the 2nd respondent/de-facto complainant before this Court. The petitioners and the second respondent were also present in person before this Court. In order to identify the respective parties they have also produced the copies of the Aadhaar Card are made part of the record. In the affidavit it has been stated that the petitioners and the second respondent had entered into a compromise and amicably settled their issues in P.R.C.No.108 of 2012. 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 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 Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in P.R.C.No.108 of 2012 pending on the file of the II Metropolitan Magistrate Court, Egmore, Chennai.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in P.R.C.No.108 of 2012, on the file of the II Metropolitan Magistrate Court, Egmore, Chennai, is quashed and the terms of affidavit shall form part and parcel of this order. Each of the petitioner shall pay a sum of Rs.750/- (Rupees Seven Hundred and Fifty only) as costs, to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry), 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. Consequently, the connected Miscellaneous Petitions are closed.

सत्यमेव जयते

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

WEB COPY

Sub Assistant Registrar

Encl: Xerox Copy of terms of affidavit attached

ssr

To

1. The II Metropolitan Magistrate Court,
Egmore, Chennai
2. The Inspector of Police,
D4, Jam Bazaar Police Station,
Chennai.
3. The Public Prosecutor,
Puducherry.

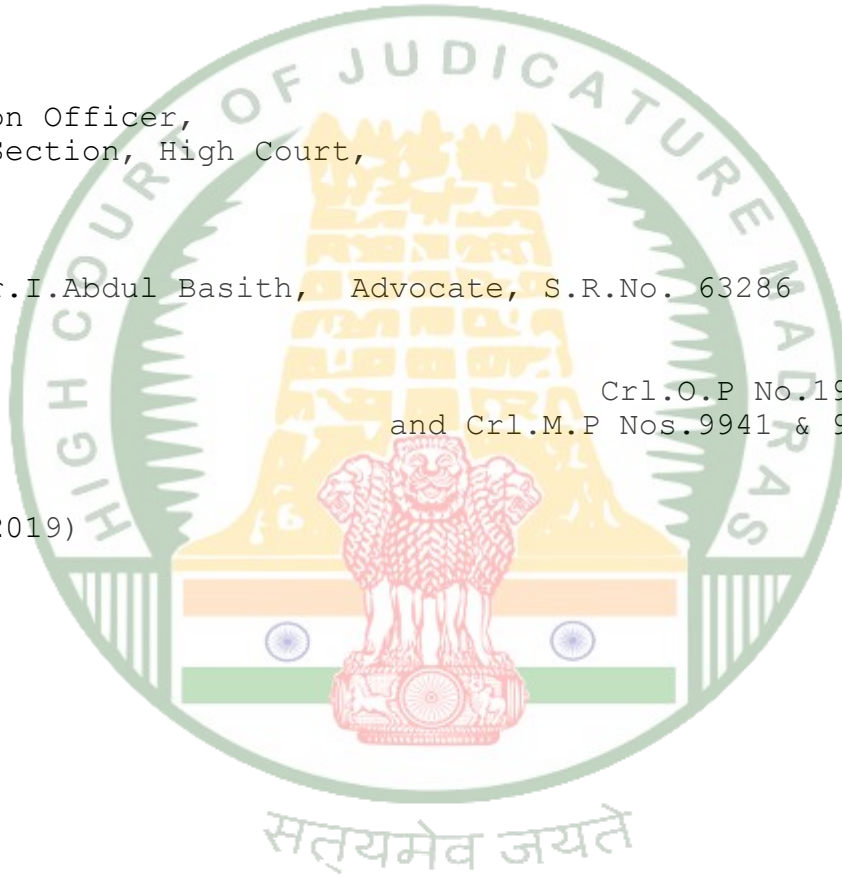
Copy TO

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

+1cc to Mr.I.Abdul Basith, Advocate, S.R.No. 63286

Crl.O.P No.19402 of 2019
and Crl.M.P Nos.9941 & 9942 of 2019

MR (CO)
GN(06/08/2019)



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