



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2019

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.34270 of 2019

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1. A.Nilesh Ram
2.Md.Salman Pashi
3.Vishnu Kumar
4.Jaya Surya
5.Chandru
6.Isac Camalias
7.Vijay Anand

...Petitioners

vs.

1.The Inspector of Police,
J-13,Tharamani Police Station,
Adyar,
Tamil Nadu.

2.Neeraj Sunil

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to quash the final report under Sections 147, 323, 294 (b) IPC in C.C.No.4097 of 2019 on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai 600 018.

For Petitioners : M/s.MA. Gouthaman
For Respondent No.1 : Mr.C.Raghavan
Government Advocate

ORDER

This Criminal Original Petition has been filed by Accused Nos.1 to 7 to quash the final report under Sections 147, 323 and 294 (b) IPC in C.C.No.4097 of 2019 on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai 600 018.

2. Based on the complaint lodged by the second respondent, the first respondent, has registered an FIR in Crime No.1315 dated 21.08.2018 against the petitioners herein under Sections 147, 324 and 294 (b) IPC.

3. The first respondent after investigation has filed a charge sheet stating that the petitioners herein (A1 to A7) have committed offences punishable under Sections 147, 323 and 294 (b) IPC and based on the same, the learned XVIII Metropolitan Magistrate, Saidapet, Chennai 600 018, has taken the case on file as C.C.No.4097 of 2019.



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

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5. A Compromise Memo, dated 18.12.2019, has been filed before this Court which has been signed by the petitioners and the 2nd respondent/ defacto complainant and other injured person namely Prasanth K.K and also by the counsel for the petitioners. The A1 and A3 to A7 and the 2nd respondent and the other aforesaid injured person are present in person before this Court. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card and they are made part of the record. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

6. Though A2 (Md.Salman Pashi) has signed in the compromise memo, he has not appeared before this court during calling of the case. Hence, this petition is dismissed against him. The learned XVIII Metropolitan Magistrate, Saidapet, Chennai 600 018, shall proceed with the case as against A2.

7. Under such circumstances, no useful purpose will be served in keeping the case pending. Even though, the offences involved are non-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 Case in C.C.No.4097 of 2019 on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai 600 018 against the petitioners herein/A1 and A3 to A7 alone. The learned XVIII Metropolitan Magistrate, Saidapet, Chennai 600 018, shall proceed with the case as against A2.

8. This Criminal Original Petition stands allowed in respect of A1 and A3 to A7 alone and dismissed as against A2 and as a sequel, the proceedings in C.C.No.4097 of 2019 on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai 600 018, is hereby quashed as against the petitioners herein A1 and A3 to A7 and the terms of Compromise Memo shall form part and parcel of this order.

*Herein enclose xerox copy of
Memo of Compromise

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

gvb



To

1. The Inspector of Police,
Tharamani Police Station,
Adyar,
Tamil Nadu

2. The XVIII Metropolitan Magistrate,
Saidapet, Chennai 600 018.

3. The Public Prosecutor,
High Court, Madras.

4. The Chief Metropolitan Magistrate
Saidapet Chennai-18

CRL.O.P.No.34270 of 2019

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