

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.3699 of 2021

1. Sheik @ Abdulkhader
2. Kali @ Kalidasan
3. Mohammed Sali

Petitioners/Accused 1 to 3

vs.

1. State,
Rep. by its Inspector of Police,
D4 Zamazaar Police Station,
Chennai-14.
(Crime No.115 of 2019)

Respondent/Complainant

2. Syed Bilal

Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in PRC. No.11 of 2020 on the file of the second Metropolitan Magistratem Egmore, Chennai and quash the same.

For Petitioner : Mr.B.Kumarasamy
For Respondents : Mr.C.Raghavan
Government Advocate for R1

ORDER

The Criminal Original Petition has been filed to call for the records and quash the proceedings pending trial in PRC. No.11 of 2020 on the file of the second Metropolitan Magistratem Egmore, Chennai.

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

3. The Affidavit dated 18.02.2021 has been filed by the 2nd respondent/de-facto complainant before this Court. The petitioners and the second respondent were also present before this Court at the time of hearing and they were identified by Mr.Ramarathinam, Sub Inspector of Police, D4, Zambazaar Police Station, Chennai. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card and it is made part of the record. In the affidavit it has been

stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in in PRC. No.11 of 2020 on the file of the second Metropolitan Magistratem Egmore, Chennai. 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 proceedings 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), and after exercising due caution as advised by the Hon'ble Suprme Court in The State of Madhya Pradesh v. Dhruv Gurjar and Another reported in (2019) 2 MLJ CrI 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in in PRC. No.11 of 2020 on the file of the second Metropolitan Magistratem Egmore, Chennai.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in PRC. No.11 of 2020 on the file of the second Metropolitan Magistratem Egmore, Chennai, is quashed and the terms of affidavit shall form part and parcel of this order. [The petitioners shall pay a sum of Rs.1000/- (Rupees One Thousand only) each as costs, to the credit of the President, Tamil Nadu Advocates Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157), 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].

-s/d-

सत्यमेव जयते
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

rli

To

1.The second Metropolitan Magistratem Egmore,
Chennai.

2.The Inspector of Police,
D4 Zamazaar Police Station,
Chennai-14.

3.The Public Prosecutor,
Puducherry.

Copy to
The President,
Tamilnadu Advocate Clerk Association,
Madras High Court, Chennai.

+3ccs to M/s.B.Kumarasamy, Advocate, SR.No.12033

Cr1.O.P No.3699 of 2021

SR II(CO)
KKV/09/03/2021



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