



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.6682 of 2021
and
Crl.M.P.No.3678 of 2021

Mohamed Sherief

...Petitioner/Accused

Versus

1. Jyothi Susan Kurian

...Ist Respondent/
Defacto Complainant

2. The Sub-Inspector of Police
(SSI)
Airport Police Station
Chennai.

...2nd Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the record pertaining with C.C.No.427 of 2020 on the file of the Judicial Magistrate-Mahila at Alandur and quash the same by recording the compromise memo.

For Petitioner : Mr.G.Mohan

For Respondents : Mr.M.Mohamed Riyaz for R2
Additional Public Prosecutor

Mr.Jyothi Susan Kurian
Party-In-Person for R1
(Through V/C)

ORDER

This petition has been filed to call for the record pertaining with C.C.No.427 of 2020 on the file of the Judicial Magistrate-Mahila at Alandur and quash the same by recording the compromise memo.

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 29.01.2021 has been filed by the first respondent/de-facto complainant before this Court. The petitioner and the first respondent were also present before this court at the time of hearing and they were identified by Mr.C.Panneerselvam, Head Constable, Airport 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 petitioner and the first respondent have entered into a compromise and amicably settled their issues in Crime No.57 of 2019. 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 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 Gujrath), and after exercising due caution as advised by the Hon'ble Supreme Court in The State of Madhya Pradesh v. Dhruv Gurjar and Another reported in (2019) 2 MLJ Cr1 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.57 of 2019, on the file of the second respondent Police.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.57 of 2019, on the file of the second respondent police, is quashed and the terms of affidavit shall form part and parcel of this order. Consequently, the connected Miscellaneous Petition is also closed.

*Xerox copy of Memo of Compromise is enclosed

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dna
To

1. The Judicial Magistrate Mahila,
Alandur.



2. The Sub-Inspector of Police
(SSI)

Airport Police Station
Chennai.

3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.G.Mohan, Advocate, Sr.No. 22953.

Cr1.O.P.No.6682 of 2021
and
Cr1.M.P.No.3678 of 2021

PVS (CO)
LS (06/09/2021)