



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.10406 of 2021

1.Sabir Ali

2.Yousuff Kamal

3.Waseem Ali

4.Ayaz Ali

... Petitioners

Vs.

1.State Rep. by
The Inspector of Police,
E-2, Royapettah Police Station,
Chennai - 600 014.

2.Paveen Kumar

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to Crime No.51 of 2020 pending on the file of the 1st respondent police and quash the same by allowing the present Criminal Original Petition.

For Petitioner : Mr.Vijai Hari Sudhan

For R1 : Mr.A.Damodaran
Government Advocate (Cr1. Side)

For R2 : M/s.G.Keethana

O R D E R

The Criminal Original Petition has been filed to call for the records pertaining to Crime No.51 of 2020 pending on the file of the 1st respondent police and quash the same by allowing the present Criminal Original Petition.

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.This gist of the case is that the second respondent is running a gold jewellery shop in the name of Praveen Gold House, at No.21, Pulla Avenue, Shenoy Nagar, Chennai - 600 030 for almost 15 years. The second respondent's close acquaintance one Mr.Prabakar introduced him to three persons, who are the petitioners herein, stating that the petitioners will sell Gold biscuits for very less price. The said Prabakar took the second respondent and his brother Vinothkumar to the house where the Gold biscuit is sold. On 23.01.2020 at about 01.15 p.m. the persons present there showed the second respondent a gold biscuit and the second respondent examined it and after which the second respondent was told that if he brings money he can buy the gold biscuits from them. Therefore immediately on the same day at about 04.45 p.m., the second respondent and his brother went and brought a sum of Rs.40,00,000/- and the same was received by an old man namely Mohamed stating that he will bring the gold biscuits from the first floor, but he did not return for a long time, then the second respondent and his brother came to know that everybody at the said house were escaped. Thereafter, he lodged a complaint with the first respondent on 23.01.2020 and against which FIR came to be registered on 25.01.2020 in Crime No.51 of 2020.

4.In the mean time, the petitioners and the defacto complainant had amicably settled the issue among themselves and both got compromised with each other. The petitioners and the second respondent arrived at a compromise settlement and on 27.11.2020, the petitioners have paid a total sum of Rs.37,72,000/- and have promised to pay the remaining sum of Rs.2,28,000/-. Agreeing to the same, the 1st petitioner on behalf of all the petitioners have entered into a Memorandum of Understanding on 27.04.2021 with the second respondent. On the arrival of the compromise settlement between the petitioners and the second respondent all the disputes between them got mutually resolved.

5.To that effect, on 27.04.2021 the Memorandum of Understanding entered between the petitioners and the second respondent and the same has been filed before this Court. The petitioners and the second respondent were also present through Video conferencing. In the said Memorandum of Understanding it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in Crime No.51 of 2020. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

6.The learned Government Advocate (Crl. Side) appearing for the first respondent also confirms the same.



7. 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), 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.51 of 2020, on the file of the 1st respondent Police.

8. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.51 of 2020, on the file of the 1st respondent police, is quashed against all the accused on the terms of affidavit which shall form part and parcel of this order.

*The Xerox Copy of the Affidavit enclosed

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
E-2, Royapettah Police Station,
Chennai - 600 014.

2. The Public Prosecutor,
High Court,
Madras.

Cr1.O.P.No.10406 of 2021

rsv[col]
srg 28/07/2021