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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2021

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.8799 of 2021

M.Tamilarasan ... Petitioner

Vs.

1.The State,
Rep. by the Inspector of Police,
V-5, Tirumangalam Police Station,
Tirumangalam,
Chennai,
(Crime No.966/2014).

2.B.Srinivasan ... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.614 of 2016 on the file of the X Metropolitan Magistrate at Egmore, Chennai and Crime No.966 of 2014 on the file of V-5, Tirumangalam Police Station, Tirumangalam, Chennai and to quash the entire proceedings against the petitioner.

For Petitioner : Mr.D.Dinesh Kumar

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

For R2 : Mr.A.Md.Khaleel-Ui-Haq

O R D E R

The Criminal Original Petition has been filed to call for the records in C.C.No.614 of 2016 on the file of the X Metropolitan Magistrate at Egmore, Chennai and Crime No.966 of 2014 on the file of V-5, Tirumangalam Police Station, Tirumangalam, Chennai and to quash the entire proceedings against the petitioner.

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.

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3.The gist of the case is that the petitioner along with nine other accused who were of Pachaiyappa's College for men had a clash with the defacto complainant herein who was then studying in Presidency College and assaulted him near Anna Nagar West Depot on 04.09.2014 around 08.00 a.m. and the defacto complainant had then admitted in Kilpauk Government Hospital and complained about the same to the Police Officials. On the complaint given by the defacto complainant, FIR came to be registered on 04.09.2014 and thereafter investigation commenced, witnesses examined, investigation completed and charge sheet filed on 28.01.2016 and thereafter the same was taken on the file of the X Metropolitan Magistrate, Egmore, Chennai.

4.In the mean time, the petitioner and the defacto complainant had amicably settled the issue among themselves and both got compromised with each other. The defacto complainant undertook to relinquish the allegations levelled against the petitioner and also agrees to withdraw the case in respect of the petitioner alone in C.C.No.614 of 2016 on the file of the X Metropolitan Magistrate at Egmore, Chennai and Crime No.966 of 2014 on the file of the V-5, Thirumangalam Police Station.

5.To that effect, the petitioner and the defacto complainant had filed a Joint Compromise Memo dated 10.06.2021 before this Court. The petitioner and the defacto complainant/second respondent were also present through Video conferencing. In the said memo it has been stated that the petitioner and the defacto complainant/second respondent have entered into a compromise and amicably settled their issues in C.C.No.614 of 2016. This Court also enquired both the parties and was 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 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 Crl 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in C.C.No.614 of 2016, on the file of the X Metropolitan Magistrate, Egmore, Chennai.

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8.This Criminal Original Petition stands allowed and as a sequel, the proceedings against the petitioner/accused No.1 in C.C.No.614 of 2016, on the file of the X Metropolitan Magistrate, Egmore, Chennai, alone is quashed and the terms of affidavit shall form part and parcel of this order.

*The Xerox Copy of Affidavit dated 10/06/2021 is enclosed

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The X Metropolitan Magistrate,
Egmore, Chennai.

2.The Inspector of Police,
V-5, Tirumangalam Police Station,
Tirumangalam,
Chennai,

3.The Public Prosecutor,
High Court, Madras.

+3ccs to Mr.Dinesh Kumar, Advocate SR.29930

Crl.O.P.No.8799 of 2021

rsv[co]
srg 29/07/2021

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