



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.Nos.11466 & 11924 of 2021
and
Crl.M.P.Nos.6660 & 6757 of 2021

- 1.Fahad Mohammed
S/o, Mohammed Fasalul Eid,
 2. Afnas T.K
S/o, Ahamed ... Petitioners CRL.O.P.No.11466 of 2021
- Mohammed Iqrash Harish
S/o, Haris ... Petitioner CRL.O.P.No.11924 of 2021

Versus

1. The State Represented by,
The Inspector of Police,
Palloor Police Station,
Mahe District.
2. Niyas K.T.
S/o, Abdul Rahman ... Respondents in both Crl.O.Ps.

COMMON PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in S.T.C.No.222 of 2015 and S.T.C.No.77 of 2019 pending on the file of the Judicial Magistrate, Mahe and quash the same as against the petitioner.

For Petitioners: Mr.B.Mohan

For R1 : Mr.D.Bharath Chakravarthy
Public Prosecutor
Pondicherry.

For R2 : Mr.Asif

COMMON ORDER

This Criminal Original Petition has been filed by the
<https://hcservices.ecourts.gov.in/hcservices/> petitioners to call for the records in S.T.C.No.222 of



2. The gist of the case is that the defacto complainant, the secretary of Masjidul Minar Peringadi, on 03.01.2015, when he was in the shop, Mubarak S/o, Abdurahman called him over phone to come outside and when he came out of the shop, the said Mubarak along with his elder brother Rayees, Nahas S/o Abdul Khader, Fahad Muhammed, S/o, Ahmed, Fahima, Eqrash Haris, S/o Haris and Afnas S/o, Ahmed abused him by shouting son of bitch, who don't you give me the Mahallu Certificate and took a stone attempted to hit him and threatened him. The other accused also joined them in shouting against the defacto complainant. The people nearby had intervened and thereafter the accused flew away. On the complaint, case in Crime No.5 of 2015 for the offences under section 143, 194(b), 506(i) IPC r/w 149 IPC was registered.

4. The learned counsel for the petitioners/A4, A5 & A6 submitted that the proceedings against the petitioners is liable to be quashed, since a compromise has been entered between the 2nd respondent and the petitioners/A4, A5 & A6. He further submitted that the continuation of the criminal proceedings will not serve any purpose to the prosecution. Hence, he prayed for quashing the proceedings.

6. Deed of compromise between the parties has been filed before this Court. The 2nd respondent present through video conference, identified by the respective counsel. This Court also enquired the 2nd respondent and was satisfied that the parties have come to an amicable settlement between themselves.

<https://hcservices.ecourts.gov/in/hcservices/>



8. In view of the guidelines rendered by the "Hon'ble Apex Court in the case of Gian Singh Versus State of Punjab reported in (2012) 10 SCC 303" and the offences are in compounding offences, this Court is inclined to quash the proceedings against the petitioners/A4, A5 & A6.

9. This Criminal Original Petition stands allowed and as a sequel, the proceedings in S.T.C.No.222 of 2015 and S.T.C.No.77 of 2019 pending on the file of the Judicial Magistrate, Mahe are quashed against the petitioners/A4, A5 & A6. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

mfa

To

1. The Judicial Magistrate, Mahe.
2. The Inspector of Police,
Palloor Police Station,
Mahe District.
3. The Public Prosecutor,
Pondicherry.

CRL.O.P.Nos.11466 & 11924 of 2021
and
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LN (CO)
GMY (03/08/2021)