

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.11441 of 2021 and
CrI.M.P.No.6651 of 2021

- 1.Gold Rafiq @ Syed Rafi Basha
- 2.Sameer @ Sameel Ahamed
- 3.Shijayath @ Shaik Ijjath
- 4.Nani @ Nasar Basha
- 5.Basha @ Syed Basha
- 6.Abdulla
- 7.Asalam

... Petitioners

Versus

- 1.The State Represented by,
The Sub-Inspector of Police,
H1 Washermenpet Police Station,
Chennai-600 021.

- 2.S.Aashiq

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.4852 of 2020 on the file of the respondent Police and quash the same as against the petitioners based on the Compromise Agreement dated 19.06.2021.

For Petitioner : Mr.A.Raja Mohamed
For 1st Respondent : Mr.A.Damodaran,
Government Advocate (Crl. Side)
For 2nd Respondent: Mr.M.Velmurugan

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.4852 of 2019, dated 20.08.2020, on the file of the 1st respondent Police.

2.The case of the prosecution is that the 2nd respondent lodged a complaint that on 18.08.2020, at about 08.30 p.m., when his son and his elder brother's son were doing exercise in nearby ground, the petitioners came there and started threatening them. On hearing the same, the 2nd respondent rushed to the scene and asked the petitioner to leave the place. Thereafter, the petitioners left the scene and on the next day on 19.08.2020, made frequent phone calls to the 2nd respondent and threatened them. On the same day, at about 08.00 p.m., the petitioners along with 50 others came to the house of the 2nd respondent, abused him

in filthy language and assaulted the 2nd respondent and his son. Due to which, they sustained injuries and admitted in the hospital for treatment. On the complaint of the 2nd respondent, the 1st respondent Police registered a case in Crime No.4852 of 2020, for offence under Sections 147, 148, 448, 324 and 506(ii) IPC.

3.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.

4.A Joint Compromise Agreement of the parties dated 19.06.2021 has been filed before this Court. The petitioners and the 2nd respondent were present through Video conferencing. In the affidavit it has been stated that the parties have agreed to settle their disputes and differences amicably between themselves without recourse to litigation. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5.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 Crl 10**,” this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No.677 of 2019, on the file of the 1st respondent Police.

6.This Criminal Original Petition stands allowed and the FIR in Crime No.4852 of 2020, on the file of the 1st respondent police is quashed. Consequently, the connected Miscellaneous Petition is closed.

08.07.2021

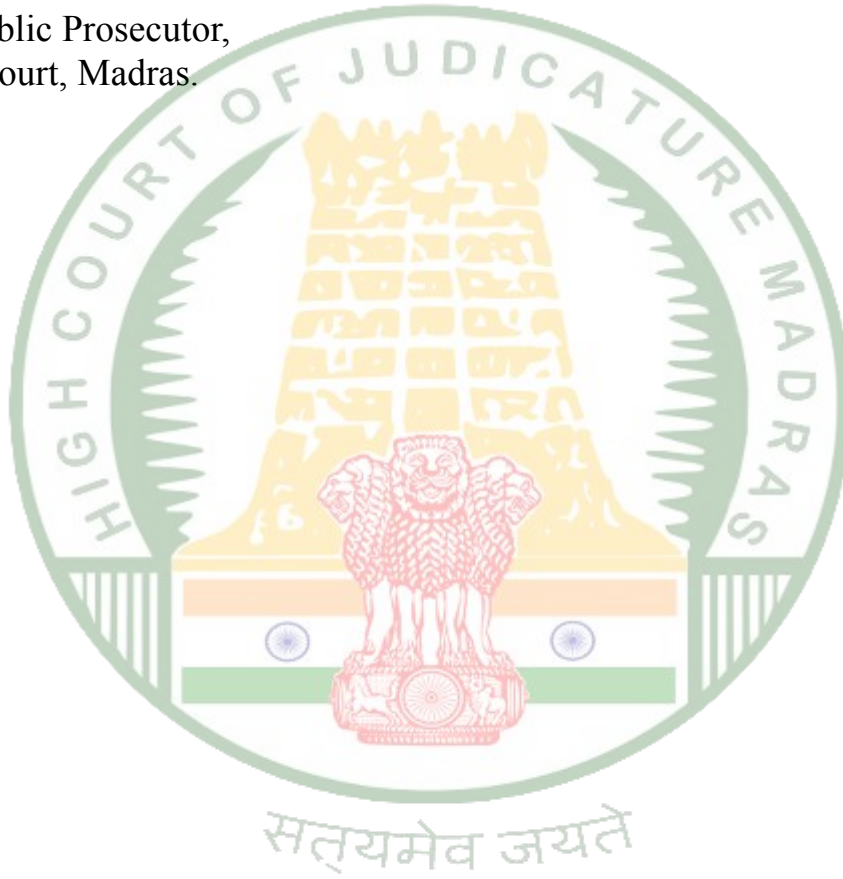
Index: Yes/No
Internet: Yes/No

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To

1.The Sub-Inspector of Police,
H1 Washermenpet Police Station,
Chennai-600 021.

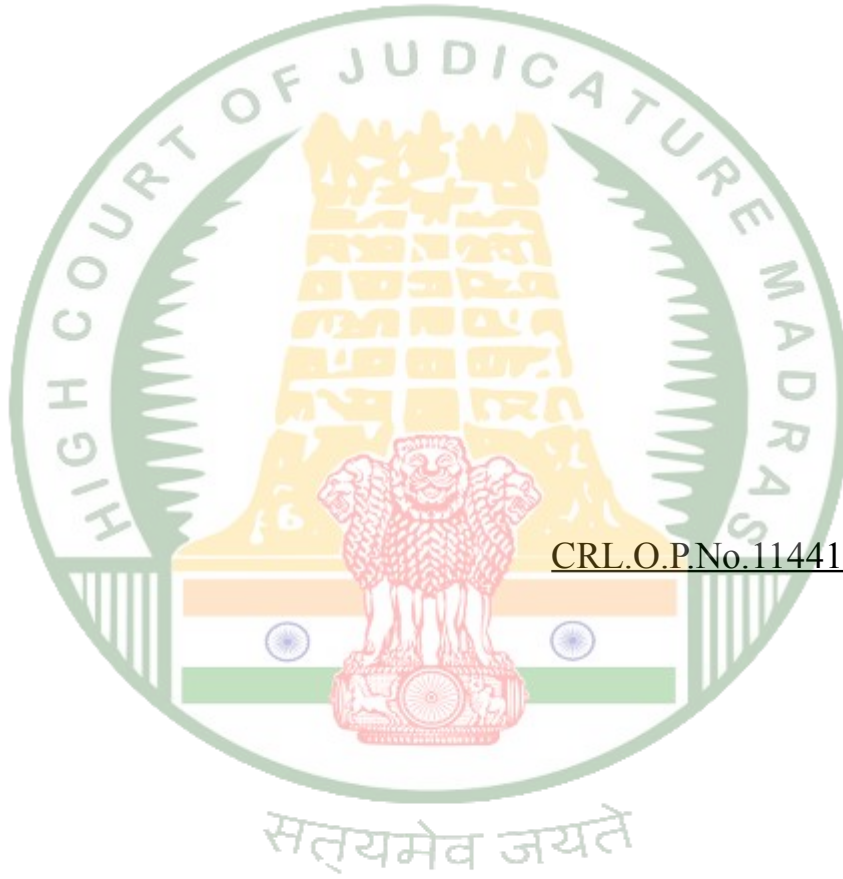
2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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