

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.11492 of 2021 and
CrI.M.P.No.6674 of 2021

1.Gold Rafiq 2 Syed Rafi Bash
2.Mechanic Ali @ Mohamed Ali
3.Bullet Kader @ Khadar Shariff
4.Sameer @ Sameel Ahamed
5.Mohammed Jabir
6.Pakoda Sadiq @ Mohammed Sadiq
7.Nasar Basha
8.Abdulla ... Petitioners

Versus

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

2.K.Prabakaran ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.4853 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)

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.4853 of 2020, dated 20.08.2020, on the file of the 1st respondent Police.

2.The case of the prosecution is that the 2nd respondent is a practising Advocate before this Court. On 19.08.2020, his Junior Aashiq made a phone call and informed him that the petitioners are attacking him and his family members. Immediately, the 2nd respondent and his friend, who is also an Advocate rushed to the house of Aashiq and saw the petitioners are creating problem with his junior. At that time, the petitioners also attacked the 2nd respondent and his friend despite informing that they had come to resolve the problem. Thereafter, the 2nd respondent lodged a complaint to the 1st respondent Police and a case in

Crime No.4853 of 2020, for offence under Section 147, 148, 294(b), 323, 324 and 506(ii) IPC on 20.08.2021.

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.The Joint Compromise Agreement of the parties dated 06.07.2021 has been filed before this Court, wherein it has been stated that the parties have agreed to settle their disputes and differences amicably without recourse to litigation. The petitioners and the 2nd respondent were present through Video conferencing. 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 CrI 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.4853 of 2020, on the file of the 1st respondent police is quashed. Consequently, the connected Miscellaneous Petition is closed.

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Index: Yes/No

Internet: Yes/No

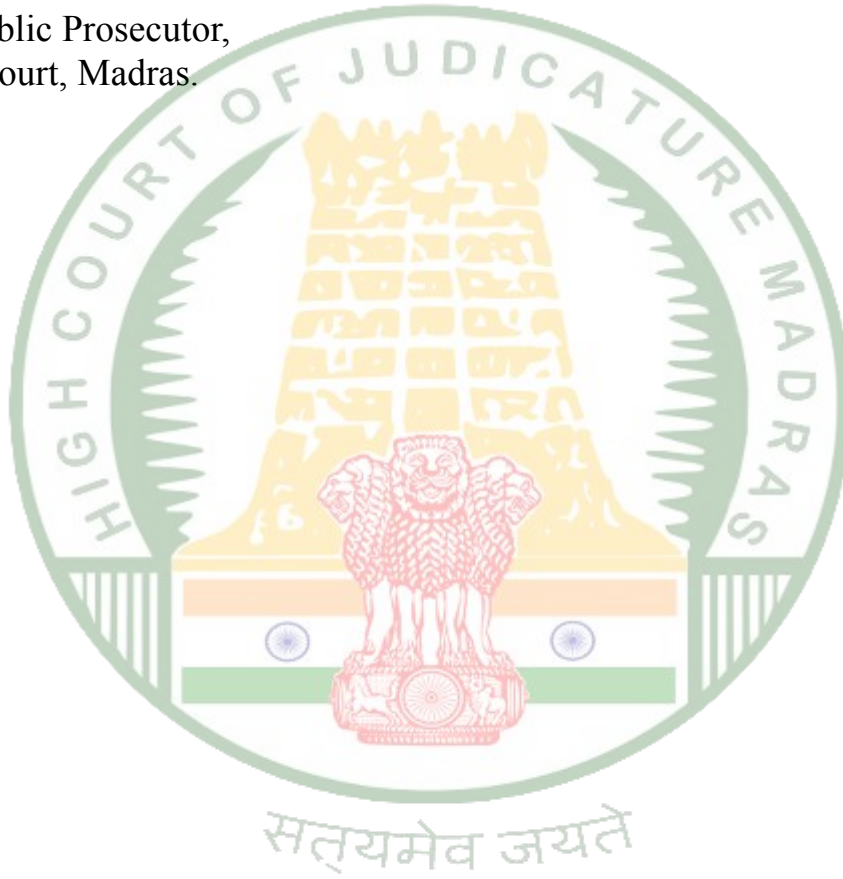
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To

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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