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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.15987 OF 2021

AND

CRL.M.P.NO.8705 OF 2021

Nasar Sharif

... Petitioner

Versus

1. The Inspector of Police,
W-17, AWPS Police Station,
Peravallore,
Chennai.
(Crime No.3 of 2021)

2. Numeera Sanofer

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the First Information Report pending records in Crime No.3 of 2021 on the file of the respondent, The Inspector of Police, W-17, AWPS Police Station, Peravallore, Chennai and quash the same.

For Petitioner : Mr.M.Hussaini Basha

For Respondents : Mr.A.Damodaran for R1
Additional Public Prosecutor

O R D E R

This petition has been filed to call for the First Information Report in Crime No.3 of 2021 on the file of the respondent, The Inspector of Police, W-17, AWPS Police Station, Peravallore, Chennai and quash the same.

2. The case of the prosecution is that the petitioner/accused is the father of the victim girl Hajeera Tahseen. The victim girl is minor and studying 11th standard.



During May 2021, the accused misbehaved with her daughter, viz., Hajeera Tahseen and he committed the same offence an year before. Hence, the second respondent/victim's mother lodged a complaint before the respondent Police and an FIR came to be registered against him on 14.06.2021. Subsequently, the petitioner got bail by the order of this Court, dated 12.07.2021.

3. The learned counsel for the petitioner submitted that the petitioner's daughter Hajeera Tahseen had mistaken her father's touch as bad touch, but it was not so. The petitioner's wife and her daughter later realized the same and now living together with the petitioner harmoniously. They now understanding reacted with the petitioner and the misunderstanding between them came to an end. Hence, he filed this petition.

4. Pending Criminal Original Petition, respondent Police enquired the defacto complainant and the victim girl separately at their residence and recorded their statement elaborately. They informed that both the defacto complainant and the petitioner now sort out their differences and now they are living along with children including the victim girl harmoniously. The defacto complainant appeared before this Court and confirmed the same. In this regard, the defacto complainant has filed an affidavit, dated 12.08.2021 before this Court. The second respondent and the petitioner present through Video conferencing at the time of hearing and they were identified by Ms.S.Rajeswari, Sub-Inspector of Police, W-17, AWPS Police Station, Peravallur, Chennai. The compromise confirmed.

5. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending. Even though, the offence involved is 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), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., inclined to quash the First Information Report in Crime No.3 of 2021.

6. In view of the same, considering the future of the family members of the petitioner and the defacto complainant and their children, this Court is inclined to quash the proceedings in Crime No.3 of 2021.



7. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.3 of 2021, on the file of the first respondent police is quashed. Consequently, connected Miscellaneous Petition is also closed.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Inspector of Police,
W-17, AWPS Police Station,
Peravallur.
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1CC to Mr.M.Hussaini Basha, Advocate, Sr.No.56053

CRL.O.P.No.15987 of 2021
and
CRL.M.P.No.8705 of 2021

VSN II (CO)
K.RK. (25.11.2021)