



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.22190 OF 2021

K.Mohanasundaram

... Petitioner/1st Accused

Versus

1. The State Rep. by
The Inspector of Police,
F-2, Egmore Police Station,
Chennai.

... 1st Respondent/Complainant

2. Zakeerhussain

... 2nd Respondent/Defacto
Complainant

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the FIR in Crime No.643 of 2021 dated 02.10.2021 on the file of the first respondent police.

For Petitioner : Mr.G.Mohana Krishnan

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

This Criminal Original Petition is filed to call for the records and quash the FIR in Crime No.643 of 2021 dated 02.10.2021 on the file of the first respondent police.

2. 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.

3. The gist of the case is that the petitioner and the defacto complainant are friends. On 02.10.2021 at 09.30 p.m. At Adithyanar Chand near Aroma Bakery, petitioner along with the defacto complainant and another were sitting and talking on,



where all of a sudden, the petitioner had slapped the defacto complainant and that, Imtiyas, who was nearby, had stabbed him in the left shoulder and the defacto complainant had tried to stop it, the two of them had assaulted and had told him to get out of the place and they hit the defacto complainant on his forehead and he was bled. Thereafter the defacto complainant had immediately gone to the Royapettah Government Hospital for treatment. Thereafter, the defacto complainant had filed the present complaint, subsequently, the FIR came to be registered in Crime NO.643 of 2021 for offence under Sections 294(b), 324 and 506(i) IPC.

4. In the mean time, it has been unanimously decided by the petitioner and the second respondent to put an end to all the litigation between them. To that effect, the second respondent has filed an affidavit stating that the second respondent and the petitioner are close friends and they want his friends to live peacefully and he also state that he is inclined to withdraw the above said complaint only on his own will, accord and not under any undue influence coercion. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

5. The learned Additional Public Prosecutor appearing for the first respondent also confirms the same. He further submits that the first respondent filed charge sheet in Crime No.643 of 2021 against two persons and the case is taken on file and culminated into C.C.No.8705 of 2021, which is now pending before the XIV Metropolitan Magistrate Court, Egmore, Chennai.

6. Under such circumstances, no useful purpose will be served in keeping the case 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 Cr1 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in C.C.No.8705 of 2021, pending on the file of the XIV Metropolitan Magistrate, Egmore, Chennai

7. In view of the above said fact, this Court is inclined to allow this Criminal Original Petition.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.8705 of 2021, pending on the file of the XIV Metropolitan Magistrate Court, Egmore, Chennai, is quashed against all the accused and consequently, the Crime No.643 of 2021 pending on the file of



the first respondent police is also quashed, on the terms of the affidavit and the affidavit filed by the second respondent, which shall form part and parcel of this order.

* Xerox Copy of Affidavit of Zakeerhussain is enclosed.

WEB COPY

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ah

To

1. The XIV Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
F-2, Egmore Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Mohana Krishnan, Advocate, S.R.No.68008

CRL.O.P.NO.22190 OF 2021

PVS(CO)
PBS/28/01/2022