



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.1206 of 2022

Chekkariya @ Mohamed Jackariya ... Petitioner/Accused

Versus

1.State By
Inspector of Police,
Tiruvarur Taluk Police Station,
Tiruvarur District.
Crime No.234 of 2019.

2.Haja Hussain ... Respondents/Complainants

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to call for the records related to the case in Crime No.234 of 2019 on the file of the respondent police and quash the same as against the petitioner/accused.

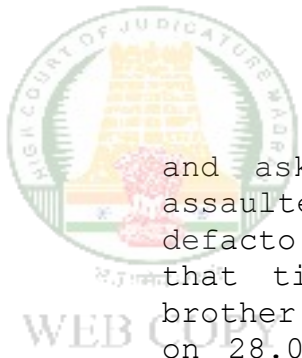
For Petitioner :Mr.R.Thamarai Selvan

For Respondent :Mr.E.Raj Thilak
No.1 Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.234 of 2019, dated 28.05.2019 on the file of the 1st respondent Police.

2.The case of the prosecution is that the defacto complainant gave a complaint before the respondent police on 27.05.2019 night at about 11.30 pm while the defacto complainant was speaking with his friend Harish in his street at that time the petitioner along with three others came and asked the whereabouts of the defacto complainant's brother at that time the defacto complainant told that he has not seen his brother at that time the petitioner abused the defacto complainant and told that the defacto complainant's brother just passed in this way



and asked why you have not seen your brother and thereby, assaulted the defacto complainant and knowing the incident, the defacto complainant's brother came to the occurrence place at that time the petitioner assaulted the defacto complainant's brother also. Hence, the defacto complainant lodged a complaint on 28.05.2019 and on receipt of the complaint, the respondent police registered a case in Crime No.234 of 2019 for offences under Sections 294(b), 323 & 506(i) 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.An Affidavit dated 01.02.2022 has been filed by the 2nd respondent/defacto complainant. The petitioner and the 2nd respondent were also present through Video conferencing. In the affidavit, it has been stated that the defacto complainant settled the issue with the petitioner and have no objection to quash the FIR against the petitioner in Crime No.234 of 2019. 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 Gujrat), 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 First Information Report in Crime No.234 of 2019, on the file of the 1st respondent Police.

6.This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.234 of 2019, on the file of the 1st respondent police, is quashed. Consequently, the connected Criminal Miscellaneous Petitions are closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



WEB COPY

To

1.The Inspector of Police,
Tiruvarur Taluk Police Station,
Tiruvarur District.
Crime No.234 of 2019.

2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.1206 of 2022

ss[co]
srg 03/03/2022