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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.2144 OF 2022

AND

CRL.M.P.NO.942 OF 2022

1. Paisal @ Mohamed Faisal
  2. Thowfic @ Mohamed Tawfiq
  3. Muhamed Pasath @ Mohammed Fahad
  4. Asathulla @ Mohamed Asadullah
  5. Sibagathulla @ Mohamed Sibakathullah
- ...Petitioners/Accused 1 to 5

Versus

1. The State Represented by  
The Inspector of Police,  
Ulundurpet Police Station,  
Villupuram  
(Crime No.223 of 2019)

2. Babu

...Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records to Crime No.223 of 2019 on the file of the first respondent and quash the same as illegal.

For Petitioners : Mr.I.Abdul Basith

For Respondent-1 : Mr.E.Raj Thilak  
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to call for the entire records in Crime No.223 of 2019 on the file of the first respondent police and quash the FIR against the petitioner.



2. The case of the prosecution is that while the second respondent/De-facto complainant was standing near the Yamaha Company in M.S.Thakka, due to previous enmity, the petitioners abused and assaulted the de-facto complainant and his relatives. Hence, the de-facto complainant filed a complaint against the petitioners and FIR was registered in Crime No.223 of 2019 for the offences under Sections 147, 148, 294(b), 323, 324 and 506 (ii) I.P.C.

3. The learned counsel for the petitioners submitted that the petitioners are law abiding persons and they have not committed any offence as alleged in Crime No.223 of 2019. The petitioners and the de-facto complainant are relatives and there was previous enmity between them. The FIR was lodged against the petitioners only in a fit of anger. Now, both the parties have decided to compromise the above said criminal case pending against the petitioners in terms of the Memorandum of Understanding dated 12.01.2022. Hence, the petitioners have filed this petition to quash the FIR in Crime No.223 of 2019.

4. The case is still at the stage of investigation. By passage of time, the parties have decided to compromise the dispute amicably among themselves.

5. The Affidavit dated 19.01.2022 has been filed by the 2<sup>nd</sup> respondent/de-facto complainant before this Court. The 2<sup>nd</sup> respondent and petitioners present through Video conferencing. In the affidavit, it has been stated that the petitioners and the second respondent have entered into a Memorandum of Understanding dated 12.01.2022 and amicably settled their issues in Crime No.223 of 2019. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. 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.223 of 2019.

7. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.223 of 2019, on the file of the 1<sup>st</sup> respondent police, is quashed and



the terms of affidavit shall form part and parcel of this order.  
Consequently, connected miscellaneous petition is closed.

\* Herein Enclosed the Xerox Copy of the Affidavits Dated  
19/01/2022.

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Sd/-  
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Inspector of Police,  
Ulundurpet Police Station,  
Villupuram

2. The Public Prosecutor  
High Court, Madras.

+2ccs to Mr.I.Abdul Basith, Advocate, S.R.No.6554

Cr1.O.P.No.2144 of 2022  
and  
Cr1.M.P.No.942 of 2022

GPL(CO)  
RLP(14/02/2022)