



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.7538 of 2022

1.Masoor @ Mansoor Ahamed

2.Amir @ Abudul Ameen

...Petitioners

Vs

1.The Inspector of Police,
P-1, Tiruvallore Police Station,
Tiruvallore District.

2.S.Mohammed @ Mohammed Umar

...Respondents

PRAYER : This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and quash the same in Cr.No.474 of 2019 pending on the file of the 1st respondent police.

For Petitioners : Mr.G.Kartheeban

For Respondents : A.Gokulakrishnan
Additional Public Prosecutor for R1

ORDER

The Criminal Original Petition has been filed to quash the proceedings in Cr.No.474 of 2019 pending on the file of the 1st respondent police for the offences punishable under Sections 294 (b), 323, 324, 506(ii) of IPC.

2.The case is pending investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3.The case of the prosecution as per the de-facto complainant is that due to previous enmity, the petitioners have assaulted the de-facto complainant using knife and stone and threatened him.

4.An affidavit has been filed before this Court, which have been signed by the petitioners, the second respondent/de facto



complainant and their counsel. The petitioners and the second respondent are present in person before this Court and they were identified by the respondent Police and the counsel for the petitioner. This Court also enquired both the parties and is satisfied that the parties have come to an amicable settlement between themselves. The relevant portion of the Joint Compromise Affidavit dated 28.03.2022 filed by the 2nd respondent/defacto complainant is extracted hereunder:-

"1.We 1 and 2 sincerely state that we both are accused in Cr.No.474 of 2019 under Sections 294(b), 323, 324, 506(ii) of IPC, pending on the file of the respondent Police.

2.We 3rd sincerely state that I am the de-facto complainant herein in Cr.N.474 of 2019 pending on the file of respondent Police.

3.We sincerely state that we all belongs to Muslim religion, whereas we all residing in the same area. Hence we are willing to close the case in Cr.No.474 of 2019 under Sections 294(b), 323, 324, 506(ii) of IPC on the ground of compromise. Hence, we filed this Joint Compromise affidavit before this Court."

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), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. Quashes the First Information Report in Crime No.474 of 2019.

6.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the First Information Report in Crime No.474 of 2019 on the file of the 1st respondent Police, is quashed and the terms of Joint Compromise Affidavit dated 28.03.2022 shall form part and parcel of this order.

Encl.: Xerox copy of Joint Compromise Affidavit

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

vkr/nti



To

1.The Inspector of Police,
P-1, Tiruvallore Police Station,
Tiruvallore District.

2.The Public Prosecutor,
High Court of Madras.

+2ccs to Mr.T.V.G.Kartheeban, Advocate Sr.No.25708

Cr1.O.P.No.7538 of 2022

MT(CO)
RVM(06/05/2022)