



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.7989 of 2022

Z.Ibrahim

...Petitioner

-Vs-

1.State by,
The Inspector of Police,
E-2, Royapettah Police Station,
Chennai - 600 014.
(Cr.No.65 of 2022)

2.R.Ayub Ahamed

..Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records in the FIR in Cr.No.65 of 2022 on the file of 1st respondent police and quash the same.

For Petitioner : Mr.J.Samiullah

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

O R D E R

This Criminal Original Petition has been filed to call for the records in the FIR in Cr.No.65 of 2022 on the file of 1st respondent police and quash the same.

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

3.A Memorandum of Joint Compromise has been filed before this Court, which have been signed by the petitioner and the 2nd respondent/defacto complainant and both the parties are present before this Court and they were identified by their respective counsel. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves. A Memorandum of Joint Compromise Memo dated 11.04.2022 is extracted hereunder:-



WEB COPY

1. It is respectfully submitted that the 2nd respondent herein is the defacto complainant in Crime No. 65 of 2021 on the file of Inspector of Police, Royapettah Police Station, Chennai for the offence Under Section 380 of Indian Penal Code.

2. It is respectfully submits that the defacto complaint lodged a complaint before the 1st respondent police on 03.03.2022 and the 1st respondent registered FIR U/s. 380 of Indian Penal Code in Crime No. 65 of 2022 on 03.03.2022.

3. It is respectfully submitted that elders and well wishers of both the family members had a compromise talk and they have come forward to settle out their issues in an amicable manner and decided to withdraw his complain. The defacto complainant also filed affidavit for quash the FIR in Crime 65 of 2022, dated 03.03.2022.

4. It is respectfully submitted that the 2nd respondent/defacto complainant also no objection to entertain this petition and to quash the proceedings in Crime No. 65 of 2022 pending on the file of Inspector of Police, Royapettah Police Station, Chennai.

5. It is respectfully submitted that the petitioner/accused and the 2nd respondent/defacto complainant entered into this memorandum of joint compromise with free consent and well aware of the consequences thereupon.

6. It is respectfully submitted that the petitioner is a college student studying in B.Sc. (AME) in Hindustan Institute of Technology and Science and because of the pendency of the FIR in Crime No. 65 of 2022 his entire career would be spoiled.

4. Under such circumstances, no useful purpose will be served in keeping the proceedings in Crime No. 65 of 2022 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. quash the proceedings in Crime.No.65 of 2022.



WEB COPY

5. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime.No.65 of 2022 on the file of the 1st respondent police is quashed and the Memorandum of Joint Compromise shall form part and parcel of this order.

*Xeorx Copy of the Joint Compromise enclosed

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

jas/tsh

To

1. The Inspector of Police,
E-2, Royapettah Police Station,
Chennai - 600 014.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Samiullah, Advocate SR.No.26510

Cr1.O.P.No.7989 of 2022

MT (CO)
GMV (05/05/2022)