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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.8450 of 2022

- 1.Mufaraq Kani @ Mubharek
- 2.Abu backer siddiq @ K.M.S.Abubacker siddiq
- 3.Mohamed Abu backer sidthik
- 4.Wasim Akram
- 5.Mohamed Kasim Afreed @ Mohammed Kasim Afreed
- 6.Mukthar Ahamed

... Petitioners

Vs.

1. State rep by the
The Inspector of Police,
C3 Seven Wells Police Station,
Chennai.

- 2.Hyder Ali

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in C.C.No.70 of 2022 pending on the file of the VIII Metropolitan Magistrate Court, George Town, Chennai.

For Petitioner :Mr.I.Abdul Hasith

For Respondents:Mr.A.Gokulakrishnan
Additional Public Prosecutor
for R1
Mr.A.Nowfil for
Mr.H.Naina Mohamed for R2

O R D E R

The Criminal Original Petition has been filed to call for the records in C.C.No.70 of 2022 pending on the file of the VIII Metropolitan Magistrate Court, George Town, Chennai 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.

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3.The case of the prosecution as per the 2nd respondent/de-facto complainant is that on 10.02.2020 at about 11 p.m, while the 2nd respondent/de-facto complainant was returning to his home, some unknown persons had abused, assaulted him and also criminally intimidated him. Based on the complaint given by the 2nd respondent/de-facto complainant, a case in Crime No.43 of 2020 was registered by the 1st respondent Police for the offence under Sections 294(b), 323, 324, 341 and 506(ii) of IPC. After completion of investigation, the 1st respondent has filed a charge sheet and the case has been taken on file in C.C.No.70 of 2022 on the file of the learned VIII Metropolitan Magistrate, George Town, Chennai.

4.The learned counsel for the petitioner would submit that the petitioner and the 2nd respondent/de-facto complainant are residents of the same vicinity. Due to previous enmity, the complaint has been given by the 2nd respondent/de-facto complainant. Due to the intervention of the elders and wellwishers, the matter has been compromised.

5.A Memorandum of Understanding has been filed before this Court, which have been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by the respondent Police and their respective counsel. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. An affidavit of the 2nd respondent dated 27.03.2022 is extracted hereunder :-

'2.The 2nd respondent and the petitioners are belonging to same community. I further state that due to the private dispute and out of suspicion and confusion, the 2nd respondent has lodged a complaint against these petitioners and the same has been registered as Cr.No.43 of 2020 and cognizance were taken by VIII Metropolitan Magistrate Court, George Town, Chennai in C.C.No.70 of 2022 for the offence under Section 294(b), 323, 324, 341 and 506(ii) IPC. I further state that the 2nd respondent (de-facto complainant) has not sustained any injury as stated in the complaint and the 2nd respondent was neither abused



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nor given any life threat nor any weapon has been allegedly used by these petitioners against the 2nd respondent. Now compromise has been arrived between these petitioners and the 2nd respondent and they have decided to bury their dispute once for all and give quietus to the issue for the betterment of every once future. As the dispute is private in nature, the petitioners and the 2nd respondent have decided to compromise the above said criminal proceedings in C.C.No.70 of 2022 (hereafter called as MOU).

3.I state that the above petitioners and the 2nd respondent are compromising the above criminal case without any coercion or inducement or undue pressure from anyone, but for the better and peaceful future of all these petitioners herein and to give quietus to the issue.''

6.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 proceedings in C.C.No.70 of 2022.

7.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.70 of 2022 on the file of the VIII Metropolitan Magistrate Court, George Town, Chennai, is quashed and the terms of joint compromise memo dated 27.03.2022 shall form part and parcel of this order.

(* Memorandum of Compromise Xerox Copies enclosed)

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vkr/nti
To

1.The VIII Metropolitan Magistrate,
George Town, Chennai.



2. The Inspector of Police,
C3 Seven Wells Police Station,
Chennai.

3. The Public Prosecutor,
High Court of Madras.

+8 Ccs to Mr. I. Abdul Basith, Advocate sr 29013.

Cr1.O.P.No.8450 of 2022

VBM(CO)
SP(11/05/2022)