



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.9683 of 2022

1.Feroz Khan

2.Amanulla

...Petitioners/Accused

-Vs-

1.The Inspector of Police,
F2 Egmore Police Station,
Chennai.

...1st Respondent/Complainant

2.S.Sagubar Sadiq

..2nd Respondent/Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records in Crime No.121 of 2022 on the file of the 1st respondent and quash the same.

For Petitioners:Mr.M.Subash

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 Crime No.121 of 2022 on the file of the 1st respondent and quash the same.

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

3.The affidavit of the 2nd respondent/defacto complainant has been filed before this Court, which has been signed by 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. The affidavit of the 2nd respondent/defacto complainant dated 04.04.2022 is extracted hereunder:-

'1.I submit that I am the 2nd respondent herein as such I am such well acquainted with the



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facts of the case. 2.I submit that the case of the prosecution was that due to previous enmity over poking the child studying in the tuition conducted by my wife, the petitioners alleged to assault me with hands and abuse me in filthy language and also, they threatened me with dire consequences, based on the complaint given by me, the 1st respondent registered a case in crime No.121/2022 for the offences under section 147, 294(b), 323, 506(ii) of IPC.

3.I submit that the petitioner are son and father, the 1st petitioner daughter was aged 9 years and studying 4th standard and also studying in the tuition conducted by my wife namely Nazrin, the child and other children played with pencil by poking each other, the 1st petitioner came to know about the poking marks, he and his relatives emotionally travelled to quarrel with me, subsequently he gave a complaint and the same was registered by the 1st respondent in Crime No.120/2022 for the offences under section 294(b), 324, and 75 of Juvenile Justice act - 2015.

4.I submit that I and the petitioners were belonged to the same locality after the registration of the above case a mediation was held in which I and the 2nd respondent came to understand that he and his family without verifying the true facts went emotionally upset and in the spur of the moment the above incident was happened and both the families decided to settle the above case amicably in the interest of welfare of the friendship and thereafter both the parties agreed to withdraw the above case by filing quash petitions before this Hon'ble Court with appropriate compromise affidavit in support of the same. 5.I submit that pursuant to the above compromise I undertake to file a supporting affidavit to quash the above case and thereby I am filing this affidavit with full conscious and on my own will.

6.I submit that I will be greatly prejudiced if the case in Crime No.121/2022 on the file of the 1 respondent is not quashed."

4. Under such circumstances, no useful purpose will be served in keeping the proceedings in Crime No.121 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.121 of 2022.

5. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime.No.121 of 2022 on the file of the 1st respondent police, is quashed and the affidavit of the 2nd respondent/defacto complainant shall form part and parcel of this order.

*Xerox Copy of the affidavit of the 2nd respondent/defacto complainant enclosed

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

jas/tsh

To

1.The Inspector of Police,
F2 Egmore Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.9683 of 2022

BR(CO)
GMY(13/05/2022)