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CrI.O.P.No.17198 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

CrI.O.P.No.17198 of 2021 and
CrI.M.P.Nos.9430 & 9431 of 2021

M.Sheik Abdul Kadher

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Udumalpet Sub Division,
Crime No.718 of 2020
Dhally Police Station,
Tiruppur District.

2.M.Muruganandam

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the criminal case in Spl.S.C.No.15 of 2020 pending on the file of the learned Principal Sessions Judge, Tiruppur, quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.N.Manoharan

For Respondents : Mr.A.Damodaran,
Addl. Public Prosecutor for R1



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ORDER

This Criminal Original Petition has been filed to call for the records relating to the criminal case in Spl.S.C.No.15 of 2020 pending on the file of the learned Principal Sessions Judge, Tiruppur, quash the same by allowing this Criminal Original Petition.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3. As per the case of the prosecution, the second respondent is the defacto complainant. The defacto complainant is said to be living together with one Sahira Banu. Previously on 02.07.2020, one Muthan @ Muthusamy, Guna, Arulraja and Selvaraja had attacked the second respondent and on the said occurrence, a case has been registered in Crime No.699 of 2020 on 03.07.2020, on the file of the Udumalpet Police Station for the offence under Sections 323, 324, 342 and 506(ii) of I.P.C. On 22.07.2020, at about 5 p.m., the said Sahira Banu met the second respondent and was returning on her way, she saw the petitioner threatening one Muniappan, father of the second respondent to withdraw the earlier complaint made against Muthan @ Muthusamy. She had also informed about the said occurrence to the second



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respondent on 23.07.2020 and subsequently, the second respondent has given a complaint about this occurrence to the respondent police. On the said complaint, a case has been registered for the offence under Sections 294(b), 506(1) I.P.C. r/w. Section 7(1)(a) of CLA Act. On the basis of the further statement given by Sahira Banu, the charges have been altered and the charges under Section 3(1)(r) & (s) of SC/ST (POA) Act were also included.

4. The learned counsel for the petitioner submitted that the petitioner and the second respondent are friends and they had buried their hatchet and settled the dispute between themselves amicably. It is further submitted that they had also entered into a joint memo of compromise and the same was also filed before this Court.

5. When the matter is taken up today, the petitioner and the 2nd respondent/de-facto complainant are present before this Court and identified by their respective counsel and Mr.N.Selvan, SSI-974, Dhali Police Station, Tiruppur District. The terms of compromise were read over to the petitioner and the second respondent. They accepted it to be true and stated that it has been entered between themselves without any coercion or influence.



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7. Under such circumstances, no useful purpose will be served in keeping the proceedings pending. Therefore, 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 Gujrath)**, this Court in exercise of power under Section 482 Cr.P.C. prefers to quash the proceedings in Spl.S.C.No.15 of 2020 pending on the file of the learned Principal Sessions Judge, Tiruppur.



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8. In the result, this Criminal Original Petition is allowed and as a sequel, the further proceedings in Spl.S.C.No.15 of 2020 pending on the file of the learned Principal Sessions Judge, Tiruppur, is quashed due to compromise. The Joint Compromise Memo shall form part of this Order. Consequently, connected Miscellaneous Petitions are closed.

Index: Yes/No
Speaking / Non Speaking Order
gsk

27.10.2022

To

1.The Deputy Superintendent of Police,
Udumalpet Sub Division,
Dhally Police Station,
Tiruppur District.

2.The Public Prosecutor,
High Court, Madras.

R.N.MANJULA, J.

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