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Crl.O.P.No.24251 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.24251 of 2022

1.Arunkumar
2.Ishrat @ Ishrathullah Faiz
3.Praveen @ Praveen Kumnar ...Petitioners

/vs/

1.State by
The Inspector of Police,
J-13, Tharamani Police Station,
Tharamani,
Chennai – 4.

2.Dhanushkumar ... Respondents

Prayer : The Criminal Original Petition have been filed under Section 482 Cr.P.C. to call for the records in connection with C.C.No.1363 of 2021 on the file of the learned XVIII Metropolitan Magistrate Court, Saidapet and quash the same.

For Petitioners	...	Mr.S.Kartik
For Respondent No.1	...	Mr.S.Santhosh Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition has been filed to call for records in connection with C.C.No.1363 of 2021 pending on the file of the learned XVIII Metropolitan Magistrate Court, Saidapet and quash the same.

2. The case of the prosecution is that the petitioners and the defacto complainant were studying in the same College. On 13.02.2022, wordy quarrel arose between them, due to which, the petitioners are said to have abused, assaulted and threatened the defacto complainant and his friends with dire consequences which resulted in causing of grievous injury to the defacto complainant. Therefore, a case has been registered against the petitioners in Crime No.60 of 2020 for the offence under Sections 294(b), 323, 324, 325 and 506(2) of IPC and the charge sheet has been filed before the learned XVIII Metropolitan Magistrate Court, Saidapet in C.C.No.1363 of 2021.

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



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themselves.

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4. An affidavit has been filed before this Court, which has been signed by the petitioners 1 to 3 and the second respondent and also by their respective counsel. The petitioners 1 to 3 and the second respondent/defacto complainant were also present in person before this Court and they were identified by Mr.Velu, Sub Inspector of Police, No.11486 2004 batch Tharamani Police Station as well as by the learned Counsel appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. The learned counsel for petitioners represented that A2 has not appeared before this court due to ill-health. It is submitted that the dispute being personal in nature and that the persons involved are not habitual offenders, there is no previous case as against the petitioners and since the defacto complainant do not want to continue the criminal proceedings as against the accused persons, this matter is settled out of court .



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6. In the instant case, the dispute is of personal in nature and the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the charge sheet for the offences under Sections 294(b), 323, 324, 325 and 506(2) of IPC.

7. The legal position expressed by the Hon'ble Apex Court in the case of **Gian Singh vs. State of Panjab and another** reported in (2012)10 SCC 303 and **Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath** reported in (2017)9 SCC 641 were taken into consideration.

8. In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in C.C.No.1363 of 2021 pending before the learned XVIII Metropolitan Magistrate Court, Saidapet, Chennai, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.1363 of 2021 pending, on the file of the learned XVIII Metropolitan Magistrate Court, Saidapet, Chennai, is quashed and the terms of the affidavit shall form part and parcel of this order.

10. Recording the same, this Criminal Original Petition is allowed and C.C.No.1363 of 2021 on the file of the XVIII Metropolitan Magistrate Court, Saidapet, is hereby quashed.

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Index : Yes/No

Internet : Yes/No

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V.SIVAGNANAM ,J.

gv

To

1. The XVIII Metropolitan Magistrate Court,
Saidapet.
2. The Inspector of Police,
The Inspector of Police,
J-13, Tharamani Police Station,
Tharamani,
Chennai – 4.
3. The Public Prosecutor,
High Court, Madras.

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