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CrI.OP.No.25328 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE V. SIVAGNANAM

CrI.O.P. No.25328 of 2022

1. Manikandan
2. Murugan

... Petitioners

Vs.

1. State rep.by
the Sub Inspector of Police (L & O)
K-10, Koyambedu Police Station,
Koyambedu, Chennai
Cr.No.280 of 2022

- 2.Sakthivel

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in Cr.No.280 of 2022 dated 09.08.2022 on the file of the first respondent herein and quash the same.

For Petitioners : Mr. A. Thirumaran

For Respondents : Mr.S.Santhosh
Govt.Advocate (CrI.side) for R1

ORDER

The Criminal Original Petition has been filed to quash the FIR in Crime No.280 of 2022 pending on the file of the first respondent for the



offences punishable under Sections 294(b), 363, 323 and 506(i) IPC.

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

3. A No Objection/Consent Affidavit of the 2nd respondent / defacto complainant namely Sakthivel tendering his no objection to quash the FIR in Cr.No.280 of 2022 has been filed before this Court and the same has been signed by him and also by his counsel. The petitioners/A1 and A2 and the second respondent were also present in person before this Court and they were identified by the concerned Sub Inspector of Police (L & O), K-10, Koyambedu Police Station, Koyambedu, Chennai. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. In the instant case, the dispute is of personal in nature and the parties have compromised with each other. Whereas the parties have compromised the matter, the High Court has power to quash the complaint for the offence under Sections 294(b), 363, 323 and 506(i) IPC.



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5. 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** was taken into consideration.

6. 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 investigation pending in Cr.No.280 of 2022 on the file of 1st respondent even though, the offences involved are not compoundable in nature.

7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the FIR pending in Cr.No.280 of 2022 on the file of the 1st respondent is quashed and the terms of No Objection/Consent Affidavit of the 2nd respondent / defacto complainant shall form part and parcel of this order.

19.10.2022

msr

V. SIVAGNANAM, J.

msr



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To

1. The Sub Inspector of Police (L & O)
K-10, Koyambedu Police Station,
Koyambedu, Chennai
2. The Public Prosecutor,
High Court of Madras.

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