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Crl.O.P No.27578 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.27578 of 2022

1. Chandrapandi @ Chandru
2. Sathish Kumar
3. Mukesh Kumar
4. Dhibakar

... Petitioners

Vs.

1. The State Represented by
Inspector of Police,
Peelamedu Police Station,
Coimbatore city.

2. Manikandan

... Respondents

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to Crime No.855 of 2022 pending on the file of the first respondent and quash the same in so far this petitioner is concerned by allowing the present Criminal Original Petition.

For Petitioner : Mr.R.A.S.Senthilvel

For Respondent-1 : Mr. A.Damodaran
Additional Public Prosecutor



ORDER

WEB COPY This Criminal Original Petition has been filed to call for the records pertaining to Crime No.855 of 2022 pending on the file of the first respondent and quash the same in so far these petitioners are concerned.

2. Heard Mr..R.A.S.Senthilvel, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for the first respondent.

3. The case of the prosecution is that the petitioners and the second respondent / *de facto* complainant were room mates and due to wordy quarrel between them the *de facto* complainant was attacked by the petitioners. Hence, the complaint was registered in Cr. No.855 of 2022 for the offences under Section 294(b), 323 and 324 IPC.

3. The learned counsel for the petitioner submitted that petitioners and the *de facto* complainant have amicably settled the issue between themselves and in view of that the second respondent / *de facto* complainant does not want to pursue the matter further. The second respondent had filed



an affidavit dated 10.11.2022 stating that the dispute between them have been amicably settled and he has no objection to quash the proceedings against the petitioners.

4. When the matter is taken up today, the petitioners and the second respondent/*de facto* complainant are present before this Court and they were identified by their respective counsel. The respective parties, have also produced the copies of the Aadhaar Cards. The second respondent accepted the contents of the affidavit and stated that he had signed the same without any threat or coercion.

5. The learned Additional Public Prosecutor submitted that there is no previous case pending against the petitioners.

6. Since the parties have amicably settled the dispute between themselves, no useful purpose will be served in keeping the proceedings pending. The offences involved are non-compoundable in nature. However, 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**



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Gujrath), I prefer to exercise the powers of this Court under Section 482 Cr.P.C. and quash the proceedings.

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8. In the result, this Criminal Original Petition is allowed and as a sequel, the FIR in Cr. No.855/2022 on the file of the first respondent is quashed. The affidavit filed by the second respondent shall form part of this order.

10.11.2022

Index : Yes/No
Speaking Order : Yes / No
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To:

1. The Inspector of Police,
Peelamedu Police Station,
Coimbatore city.
2. The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA, J.,

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