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Crl.O.P No.28168 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

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THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.28168 of 2022

Nasrulla

... Petitioner

Vs.

1. State by
The Inspector of Police,
C-3 Seven Wells Police Station
Chennai.

2. Dinesh Kumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records and quash the FIR in Crime No.212 of 2022 pending on the file of the 1st respondent.

For Petitioner : Mr.I. Md.Arif

For Respondents : Mr.A.Damodaran for R1
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed, seeking to call for the records pertaining to Crime No.212 of 2022 on the file of the 1st respondent and quash the same as illegal.

2. When the matter is taken up today, the learned counsel for the petitioner submitted that the petitioner, the de-facto complainant and another victim had settled the matter amicably between themselves and they have also filed an affidavit separately to that effect.

3. Today, the de-facto complainant, his sister-in-law and the petitioner were present and they were identified by their respective counsels and Mr.M.Kadar Moideen, Sub Inspector of Police, C-3 Sevenwells Police Station, Chennai. In order to identify the respective parties, they have also produced the copies of the Aadhaar Cards. The de-facto complainant has stated that the petitioner is his neighbour and hence he did not want to pursue the case any further. When this Court enquired, the de-facto complainant and his sister-in-law by name R.Dhivya Bharathi have stated that they have not been influenced or threatened by anyone and the



supporting affidavits dated 10.11.2022 have been executed by them on their own volition. This Court has satisfied that the parties have arrived at an amicable settlement between themselves voluntarily without any extraordinary influence or coercion.

4. The learned Additional Public Prosecutor submitted that the petitioner is an accused in another case in S.C No.211 of 2018 on the file of the XVI Additional Sessions Court, Chennai.

5. However, the learned counsel for the petitioner submitted that the case was ended in acquittal.

6. Taking into consideration of the circumstances and in the light of the guidelines given by the Hon'ble Supreme Court reported in ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*** reported in ***2017 9 SCC 641***, the parties should be allowed to go in peace. Considering the same, I feel the proceedings can be quashed by invoking the powers of this Court under Section 482 Cr.P.C.



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7. In the result, this Criminal Original Petition stands allowed and as a sequel, the FIR in Crime No.212 of 2022 on the file of the 1st respondent, is quashed. The affidavits of the parties shall form part of this Order. Consequently, connected Miscellaneous Petition is closed.

18.11.2022

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

1. The Inspector of Police,
C-3 Seven Wells Police Station
Chennai.
2. The Public Prosecutor,
High Court of Madras.



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R.N.MANJULA, J.,

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