



CrI.O.P.No.29905 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.29905 of 2022

1. Jaffer Ali
2. Thamimum Ansari
3. Mushraf
4. Abdul Rahman

... Petitioners

Vs.

1. The State represented by
The Inspector of Police
T-14, Mangadu Police Station,
Chennai.

2. Abdul Kadhar @ Kathar Basha

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for records relating to FIR No.84 of 2019 on the file of 1st respondent police and quash the same.

For Petitioners : Mr.M.Mohamed Riyas

For Respondent : Mr.S.Santhosh
Government Advocate (Criminal side)



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in FIR No.84 of 2019 on the file of 1st respondent police and quash the same.

2. The learned counsel for the petitioners submitted that the petitioners (1, 2 &4) are present and the second respondent/defacto complainant is also present before this Court. He submitted that the petitioners and the second respondent have resolved their dispute and the second respondent has no objection for quashing the same. Hence, he seeks for quashing the FIR in Crime No.84 of 2019 registered under Sections 341, 294(b), 323, 324 and 506(ii) IPC.

3. The learned Government Advocate (Crl.Side) submitted that the case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. He further submitted that the petitioners have no bad antecedents.

4. A Joint Memo of Compromise has been filed before this Court, which have been signed by the petitioners and the second respondent and also by the learned counsel for the petitioners.



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5. The petitioners (1,2 & 4) and the second respondent were also present in person before this Court and they were identified by **Mr.E.Balasubraniam, Sub Inspector of Police, T -14 Mangadu Police Station**. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The second respondent answered this Court that he does not want to prosecute the petitioners and he has no objection for quashing the proceedings.

6. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending, even though, the offences involved are not compoundable in nature. 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 its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No.378 of 2019.

7. Considering the fact that the petitioners and the second respondent resolved the dispute and the second respondent does not want to prosecute the



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the petitioners and he has no objection for quashment of proceedings and also considering that except 506(ii) of IPC other offences are compoundable offence, this Court is inclined to quash the FIR in Crime No.84 of 2019 registered under Sections 341, 294(b), 323, 324 and 506(ii) IPC.

7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.84 of 2019, on the file of the first respondent police is quashed and the terms of joint compromise memo shall form part and parcel of this order.

05.12.2022

Sma

Index:Yes/No

Speaking/Non speaking order



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- To
1. The Inspector of Police
T-14, Mangadu Police Station,
Chennai.
 2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

Sma

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