



Crl.O.P.Nos.29417 & 29225 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 09.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G. CHANDRASEKHARAN

Crl.O.P.Nos.29417 & 29225 of 2022

and

Crl.M.P.Nos.18046, 18047, 17876 & 17877 of 2022

In Crl.O.P.No.29417 of 2022

- 1.Abdul Rahman M/45
S/o Abdul Kader.
- 2.Sali Mohamed M/51
S/o Aliyas.
- 3.Nagoor @ Nagoor Meeran
S/o Mohamed Ismail.
- 4.Yasar Arafath M/28
S/o Seeni Mohamed.
- 5.Abdul Afrideen M/22
S/o Abdul Kader.
- 6.Eleyas @ Shaik Shoaib Eleyas M/20
S/o Abdul Rahman

... Petitioners

Vs.

- 1.The State Represented by
The Inspector of Police,
N-3, Muthialpet Police Station,
Chennai
(Cr.No.224/2020).

- 2.Mr.Mohammed Riswi (M/47),
S/o.Kadhar Mohideen

... Respondents



Crl.O.P.Nos.29417 & 29225 of 2022

Prayer: This Criminal Original Petition No.29417 of 2022 filed under Section 482 of Cr.P.C., to call for the records pertaining to CC.No.826 of 2022 pending on the file of XVI Metropolitan Magistrate, George Town, Chennai and quash the same as illegal and without jurisdiction and thus render justice.

For Petitioners : Mr.Labdul Rasith
For Respondents : Mr.S.Santhosh,
Government Advocate (Crl.Side).

In Crl.OP.No.29225 of 2022

Mr.Mohammed Riswi

...Petitioner

Vs.

1.The State Represented by
The Inspector of Police,
N-3, Muthialpet Police Station,
Chennai.
(Cr.No.225/2020)

2.Mr.Nagoor Meeran M/40
S/o Mohamed Ismail.

...Respondents

Prayer: This Criminal Original Petition No.29225 of 2022 filed under Section 482 of Cr.P.C., to call for the records in CC.1382 of 2022 pending on the file of XVI Metropolitan Magistrate, George Town, Chennai and Quash the same as illegal and without jurisdiction.

For Petitioner : M/s.A.Rawther Naina Moahamed
For Respondents : Mr.S.Santhosh,
Government Advocate (crl.side)



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COMMON ORDER

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These Criminal Original Petitions have been filed to call for the records pertaining to CC.Nos.826 of 2022 and 1382 of 2022 pending on the file of XVI Metropolitan Magistrate, George Town, Chennai and quash the same as illegal and without jurisdiction.

2. The case of the prosecution in Crl.O.P.No.29417 of 2022 is that the 2nd respondent is the tenant under the 1st petitioner, therefore, the 2nd respondent has lodged a complaint before the 1st respondent against the petitioners on the allegation that the petitioner's have abused and assaulted the 2nd respondent and his wife and further threatned with life to evict the house. Based on the above complaint, 1st respondent herein registered an FIR in Cr.No.224 of 2020 dated 16.05.2020 for the offences under Sections 147, 323, 354 and 506 (i) of IPC and these petitioners are maliciously made as accused in the above crime number. Subsequently, the 1st respondent police have filed charge sheet before the XVI Metropolitan Magistrate Court, George Town, Chennai for the offence under Sections 323, 354, 506 (i) r/w 149 of IPC in C.C.No.826 of 2020.

3.The case of the prosecution in Crl.O.P.No.29225 of 2022 is that the 2nd respondent has lodged a complaint before the 1st respondent against the



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petitioner on the allegation of assault, trespass and criminal intimidation. Based on the above complaint, the 1st respondent herein registered an FIR in Cr.No.225/2020 dated 20.05.2020 for the offence under Sections 448, 324 and 506 (ii) IPC against the and filed a charge sheet before XVI Metropolitan Magistrate, George Town, Chennai for the offence under Sections 323, 324, 448 and 506 (ii) of IPC in C.C.No.1382 of 2022.

4. These two cases are counter-cases. The cases are 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.

5. A Joint Compromise agreement, dated 16.11.2022, has been filed before this Court, which has been signed by the petitioners and the second respondent and also by their respective counsel. The first petitioner and the second respondent were also present in person before this Court and they were identified by Mr.P.Balaganesan, Muthialpet Police Station as well as by the learned Counsels appearing for the parties. This Court also enquired both the parties and is satisfied that the parties have come to an amicable settlement between themselves.

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 the power to quash the complaint. The legal position expressed



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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.

7.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 Crime No.224 of 2022 for the offences under Sections 323, 354, 506 (i) r/w 149 IPC in C.C.No.826 of 2022 and Cr.No.225 of 2020 for the offences under Section 323, 324, 448, and 506 (ii) IPC C.C.No.1382 of 2022 pending, even though, the some of the offences involved are not compoundable in nature.

8.Accordingly, these Criminal Original Petitions are allowed and the proceedings in C.C.No.826 of 2022 and C.C.No.1382 of 2022 on the file XVI Metropolitan Magistrate, George Town, Chennai, are quashed insofar as the respective petitioners are concerned. The terms of joint compromise agreement shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

09.12.2022

Index:Yes/No
Speaking/Non speaking order
nst



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G. CHANDRASEKHARAN, J.
nst

To,

1. The Inspector of Police,
N-3, Muthialpet Police Station,
Chennai.
2. The Public Prosecutor,
High Court of Madras.

Crl.O.P.Nos.29147 & 29225 of 2022
and
Crl.M.P.Nos.18046, 18047, 17876 & 17877 of 2022

09.12.2022