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Crl.O.P.No.1689 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1689 of 2023

Shan Basha

.. Petitioner

Versus

1. State rep. by,
The Inspector of Police,
M-1, Madhavaram Police Station,
Chennai.
Cr.No.735 of 2022.

2. Jesu Packiaraj

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.735 of 2022 (pending investigation) on the file of the 1st respondent herein and quash the same and the entire proceedings insofar as it relates to the petitioner is concerned.

For Petitioners : Mr.K.M.Mrithun Jayan

For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side)
for R1

: Mr.N.Selvarajanfor R2

ORDER



Crl.O.P.No.1689 of 2023

WEB COPY

The Criminal Original Petition has been filed to quash the F.I.R in Crime No.735 of 2022, pending on the file of the first respondent.

2. The case is still at the stage of investigation. The parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. The affidavit dated 10.01.2023 of the second respondent / de-facto complainant and the joint memo of compromise entered into between the petitioner and the second respondent / de-facto complainant have been filed before this Court. The petitioner and the second respondent were also present in person before this Court. In order to identify the respective parties, they have also produced the copies of the Aadhaar Cards and the Aadhaar Cards are made part of the record. In the affidavit, it has been stated that the petitioner and the second respondent had entered into a compromise and amicably settled their issues in Crime No.735 of 2022. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



Crl.O.P.No.1689 of 2023

WEB COPY

4. 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)**, and after exercising due caution as advised by the Hon'ble Supreme Court in ***The State of Madhya Pradesh Vs. Dhruv Gurjar and Another*** reported in **(2019) 2 MLJ Crl 10**, this Court in exercise of its jurisdiction under Section 482 of Cr.P.C., quashes the First Information Report in Crime No.735 of 2022, on the file of the first respondent Police.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.735 of 2022, on the file of the first respondent Police, is quashed and the terms of affidavit shall form part and parcel of this order. The petitioners shall pay a sum of Rs.1000/- (Rupees One thousand only) as costs, to the credit of the **President, Tamil Nadu Advocates Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157)**.



Crl.O.P.No.1689 of 2023

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within a period of one week from today and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

01.08.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Inspector of Police,
M-1, Madhavaram Police Station,
Chennai.
2. The Public Prosecutor,
High Court of Madras.



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N.ANAND VENKATESH, J.

grs

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