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Crl.O.P.No.4862 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.4862 of 2023

1. G.Dhanasekar

2. D.Savithiri

.....Petitioners

Vs.

1. State Represented by
The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.

2. G. Vimal Kumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in Crime No.354 of 2018 on the file of 1st Respondent and quash the same.

For Petitioner : Mr. T.Balachandran

For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed to call for the records in Crime No.354 of 2018 on the file of 1st Respondent and quash the same.



2. A case was registered as against the petitioners in Crime No.354 of 2018 for the offence under Sections 294(b), 323, 324 and 506(1) of IPC on the basis of the complaint given by the 2nd respondent alleging that petitioners had beaten and caused injuries to him.

3. When the matter is taken up for hearing, petitioners and second respondent/defacto complainant are present in person before this Court and they were identified by **Mr.Devanathan, Head Constable, Ulunderpet Police Station.** When enquired the second respondent/defacto complainant reiterated that the issue between petitioner and second respondent/defacto complainant has been resolved and that second respondent/defacto complainant does not want to proceed further with the case against the petitioners and has no objection for quashing the FIR in Crime No.354 of 2018.

4. Considering the facts that the parties have amicably settled the issue between them, filed a joint compromise memo, second respondent/defacto complainant does not want to prosecute the case against petitioners and that he has no objection for quashment of proceedings, no useful purpose will be served in keeping the First Information Report pending.



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5. 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 Gujraath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No.354 of 2018.

6. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.354 of 2018, on the file of the first respondent police is quashed and the terms of joint compromise memo on the file of the first respondent police is quashed and the terms of joint compromise memo of the parties and the consent affidavit filed by the second respondent/defacto complainant shall form part and parcel of this order.

08.03.2023

sma

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

To:

1. The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.

2. The Public Prosecutor,
High Court of Madras.

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G.CHANDRASEKHARAN, J.

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