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CrI.O.P.No.6971 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.6971 of 2023

Ashik

... Petitioner

Vs.

1.The State represented by
The Inspector of Police,
Race Course Police Station,
Coimbatore City.

2.Pavankumar

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in Crime No.63 of 2023, pending on the file of the 1st respondent and quash the same.

For Petitioners : Mr.B.Jawahar
For R1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed to call for the records in Crime No.63 of 2023, pending on the file of the 1st respondent and quash the same.



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2. Learned counsel for the petitioner submitted that First Information Report in Crime No.63 of 2023 for the offences under Sections 294(b), 323 and 506(ii) of IPC came to be registered. It is alleged in the First Information Report that, on 05.02.2023, at about 11.45 pm, the accused had beaten the 2nd respondent/defacto complainant and made a criminal intimidation. Learned counsel for the petitioner submitted that, the petitioner and 2nd respondent filed a Joint Compromise Memo dated 28.02.2023. It is stated in the Joint Compromise that, considering the welfare of both sides, parties have decided to resolve the dispute. Therefore, he seeks for quashing the First Information Report in Crime No.63 of 2023, pending on the file of the 1st respondent.

3. The learned Government Advocate (Crl.Side) submitted that, by passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.



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4. A Joint Memo of Compromise dated 28.02.2023 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.

5. The petitioners and the second respondent were also present in person before this Court and they were identified by **Mr.Dhamanathan, SI, Race Course Police Station, Coimbatore**. This Court also enquired both the parties and is satisfied that the parties have come to an amicable settlement between themselves. The second respondent answered this Court, that he had entered into a Memorandum of compromise with the petitioners and he has no objection for quashing the proceedings in First Information Report in Crime No.63 of 2023, pending on the file of the 1st respondent.

6. Considering the fact that, the second respondent does not want to prosecute the case against the petitioners and that he has no objection for quashment of proceedings and also considering that the offences are compoundable offence, no useful purpose will be served in keeping the



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proceedings in First Information Report in Crime No.63 of 2023,
pending on the file of the 1st respondent.

7. 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.63 of 2023, pending on the file of the 1st respondent.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the First Information Report in Crime No.63 of 2023, pending on the file of the 1st respondent against the petitioners is quashed and the terms of joint compromise memo shall form part and parcel of this order.

29.03.2023
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Index: Yes/No
Speaking/Non speaking order
gd



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To

- 1.The Inspector of Police,
Race Course Police Station,
Coimbatore City.
- 2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

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