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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.04.2023**

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.7102 of 2023

Dharshan ... Petitioner

Vs.

1. State rep.by
   The Inspector of Police,
   ICF Police Station,
   Chennai.
   (Crime No.31 of 2023)

2. Dharani
3. P.Surender ... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the first information report in Crime No.31 of 2023 pending investigation on the file of the first respondent police and quash the same.

For Petitioner : Mr.L.Ramanathan

For R1 : Mr.Leonord Arul Joseph Selvam
Government Advocate (Crl.Side)

For R2 and R3 : Mr.K.S.Harish

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ORDER

This Criminal Original Petition has been filed to call for the records of the case in Crime No.31 of 2023, on the file of the first respondent police, quash the same.

2. The defacto complainant is working as Nutritionist in a Government Corporation School in chennai. On 18.02.2023, at about 6.00 P.M when she was in her home the accused herein, who is a known person to her husband i.e., the victim, came to the house of the defacto-complainant and asked for money. The husband of the defacto-complainant refused to give money and resultantly, the accused abused and assaulted the victim (husband of the defacto-complainant) and pushed him to the floor and threatened the defacto-complainant and victim with dire consequences. In regard to this occurrence, the defacto-complainant filed a compliant before the first respondent police to take action against the accused and upon the said complaint, the first respondent-police registered a case in Crime No.31 of 2023 under Sections 294(b), 323 and 506(Part ii) I.P.C against the accused. Subsequently, compromise was entered into between the

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parties and the accused tendered apology. In view of the above compromise, the defacto-complainant agreed to withdraw the case in Crime No.31 of 2023 against the accused and he is also ready to file an affidavit before this Court on that score. Hence, the defacto-complainant has no objection to quash the F.I.R.

3 Learned counsel for the petitioner submitted that petitioner and the respondents 2&3 filed a Joint Compromise memo dated 17.03.2022 stating that, they have entered into a compromise and the respondents 2 and 3 do not want to prosecute further with this case against the petitioner and they have no objection for quashing the case in Crime No.31 of 2023. They have also filed a consent affidavit for quashing the criminal case in Crime No.31 of 2023.

4. 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.

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5. The petitioner and the respondents 2 and 3 were also present in person before this Court and they were identified by **Mr.V.Kalimuthu, Sub Inspector of Police, (Mobile No.90030 39768), K7 I.C.F Police Station**. When enquired, the respondents 2 and 3 reiterated that, in view of the settlement between them and the petitioner, they does not want to prosecute further with this case and has no objection for quashing Crime No.31 of 2023.

6. Considering the fact that the issue between the parties had been settled and that the respondents 2&3 does not want to prosecute the case against the petitioner, and that they have no objection for quashment of proceedings, no useful purpose will be served in keeping the proceedings pending in Crime No.31 of 2023 against the petitioner.

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 proceedings pending in Crime.No.31 of 2023 on the file of the first respondent police against the petitioner.

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8.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings pending in Crime.No.31 of 2023, on the file of the first respondent police against the petitioner is quashed and the terms of joint compromise memo shall form part and parcel of this order.

03.04.2023

Internet : Yes / No
Index : Yes / No
Speaking/Non speaking order

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To

1.The Inspector of Police,
ICF Police Station,
Chennai.

2. The Public Prosecutor,
Madras High Court.

G.CHANDRASEKHARAN,J.

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