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Crl.O.P.No.8557 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 19.04.2023

CORAM:

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

Crl.O.P.No.8557 of 2023

- 1 Dharaniselvan
- 2 Mizanur Rahman ... Petitioners

vs.

- 1 State rep. by
Sub-Inspector of Police
K-1 Police Station
Sembium, Chennai.
(Cr.No.680/2022)
- 2 Gladston Joseph ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in C.C.No.2011 of 2023 on the file of the V Metropolitan Magistrate Court, Egmore and quash the same.

For Petitioners	: M/s.M.Arun
For Respondent-1	: Mr.Leonard Arul Joseph Selvam Government Advocate (Crl. Side)
For Respondent-2	: M/s.S.Ambedkar



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ORDER

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This Criminal Original Petition is filed for quashing C.C.No.2011 of 2023 on the file of the V Metropolitan Magistrate Court, Egmore.

2. On the basis of the complaint given by the second respondent / defacto complainant, First Information Report in Cr.No.680 of 2022 against petitioners for offences under Section 379 IPC came to be registered. The charge against petitioners is that they had stolen the car of wife of second respondent / defacto complainant bearing Registration No.TN-05-BS-4007.

3. When the matter is taken up for hearing, petitioners and second respondent/defacto complainant are present in person before this Court and filed a joint memorandum of compromise stating that due to intervention of elders and to have a peace, they have resolved the dispute. Petitioners and second respondent/defacto complainant were identified by Mr.A.Praveen, Grade-I Police Constable, K-1 Sembium Police Station. When enquired, second respondent/defacto complainant reiterated that the issue between petitioners and second respondent/defacto complainant has been resolved and that second respondent/defacto complainant does not want to proceed further



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with the case in C.C.No.2011 of 2023 against petitioners and has no objection for quashing the FIR in Crime No. 680 of 2022 and C.C.No.2011 of 2023.

4. Considering the facts that the parties have amicably settled the issue between them, 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 C.C.No.2011 of 2023 on the file of the V Metropolitan Magistrate Court, Egmore, pending.

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 Gujrath*), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes C.C.No.2011 of 2023 on the file of the V Metropolitan Magistrate Court, Egmore.

6. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.2011 of 2023 on the file of V Metropolitan Magistrate Court, Egmore is quashed and the terms of joint



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compromise memo of the parties and the affidavit filed by the second respondent/defacto complainant shall form part and parcel of this order.

19.04.2023

mra

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

To:

1. The V Metropolitan Magistrate,
Egmore.
2. Sub-Inspector of Police
K-1 Police Station
Sembium, Chennai.
3. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

mra

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