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Crl.O.P No.19551 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.19551 of 2023

1.Mohammed Arif

S/o.Samsudeen

2.Mohammed Taqufiq

S/o.Abdul Rasheed

3.Nowfal

S/o.Jahir Hussain

... Petitioners/Accused 1, 2 & 3

vs.

1.State represented by

The Inspector of Police,
M-4 Thudiyalur Police Station,
Coimbatore.

2.Ayyanar

S/o.Ramakrishnan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to C.C.No.201 of 2023 on the file of learned Judicial Magistrate-I, Coimbatore and quash the same.

For Petitioners : Mr.Navas Shareef, M.

For Respondent-1 : Mr.A.Damodaran
Additional Public Prosecutor

For Respondent-2 : Mr.Hameed Anwar, S.M.



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ORDER

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The Criminal Original Petition has been filed to call for the records pertaining to the proceedings in C.C.No.201 of 2023, pending on the file of Judicial Magistrate Court No.I, Coimbatore and quash the same.

2. The case is still at the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. A Joint Memo of Compromise dated 15.07.2023 signed by both petitioners and second respondent/*de facto* complainant and their respective counsel has been filed before this Court. A compromise affidavit has also been filed by the second respondent/de-facto complainant before this Court. The petitioners and second respondent were also present in person before this Court and they were identified by Mr.V.Sivasubramanian, SSI, Thudiyalur Police Station, Coimbatore (Mob: 9486128335). In the affidavit it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in C.C.No.201 of 2023. This Court enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



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4. Under such circumstances, no useful purpose will be served in keeping the case 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 v. Dhruv Gurjar and Another** reported in **(2019) 2 MLJ CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in C.C.No.201 of 2023, pending on the file of Judicial Magistrate Court No.I, Coimbatore.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.201 of 2023, pending on the file of Judicial Magistrate Court No.I, Coimbatore, is quashed and the terms of affidavit shall form part and parcel of this order.

07.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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N. ANAND VENKATESH, J.

rsi

To

- 1.The Judicial Magistrate No.I,
Coimbatore.
- 2.The Inspector of Police,
M-4 Thudiyalur Police Station,
Coimbatore.
- 3.The Public Prosecutor,
High Court of Madras,
Madras.

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