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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.19957 of 2023

1.Kizar Mohammed

2.Kadar Gani

... Petitioners

Vs.

1.The Inspector of Police,
Cyber Crime, C.C.B.,
Avadi,
Tiruvallur District.

2.Elangovan

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the FIR in Crime No.07 of 2022 under section 409, 419, 420 IPC and Section 66D of Information Technology Act 2000 pending on the file of 1st Respondent.

For Petitioners

: Mr.C.Iyyaparaj

For Respondent

: Mr.A.Gopinath
Government Advocate for R1



ORDER

The Criminal Original Petition has been filed to quash the FIR in Crime No.07 of 2022, pending on the file of the 1st respondent.

2.The case is still at the stage of investigation. the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3.The Joint Memo of Compromise dated 11.08.2023 has been filed before this Court which have been signed by the petitioners and the 2nd respondent and also by their respective counsel.. The petitioners and the second respondent were also present in person before this Court and they were identified by Ms.J.Amsaveni, WGr1-12858, Cyber Crie Police Station, Avadi. In the joint compromise memo it has been stated that the petitioners and the second respondent had entered into a compromise and amicably settled their issues in Crime No.07 of 2022. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4.Under such circumstances, no useful purpose will be served in keeping the First Information Report pending, even though, the offences involved are not compoundable



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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 Crl 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.07 of 2022, on the file of the 1st respondent Police.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.07 of 2022, on the file of the 1st respondent police, is quashed and the terms of joint compromise memo shall form part and parcel of this order. Each of the petitioners shall pay a sum of Rs.1000/- (Rupees One Thousand only) as costs, to the credit of the **President, Salem Advocates Clerk Association, Intergrated District Court Complex, Asthampatty PO, Salem – 636 0077 (Indian Overseas Bank, District Court Branch, Salem – 7, A/c No.178001000000397, IFSC Code:IOBA0001780)**, within a period of one week from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

6.The learned counsel for the petitioners submitted that the petitioners filed an anticipatory bail petition before this Court in Crl.O.P.No.4879 of 2023. The petitioners were granted anticipatory bail by an order dated 02.03.2023 by imposing certain



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conditions. One such condition that was imposed by this Court was that each of the petitioners to deposit a sum of Rs.3,00,000/- to the credit of Crime No.07 of 2022. The learned counsel submitted that this condition was complied with and total sum of Rs.6,00,000/- was deposited to the credit of Crime No.07 of 2022 and the receipts that were issued by the concerned Court on 27.03.2023, was also brought to the notice of this Court. In view of the compromise between the parties, the petitioners are permitted to withdraw the amount deposited to the credit of Crime No.07 of 2022 by filing an appropriate memo/application before the learned Judicial Magistrate-II, Poonamallee and the learned Judicial Magistrate shall allow the memo/application and permit the petitioners to withdraw the amount.

7.Post this case under the caption 'For Reporting Compliance' on 26.09.2023.

01.09.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
ssr

Note:Issue order copy on 11.09.2023



To
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1.The Inspector of Police,
Cyber Crime, C.C.B.,
Avadi,
Tiruvallur District.

2.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSR

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