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CrI.O.P No.20946 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.20946 of 2023

K.Shahul Hameed

Petitioner

vs.

1.The State Rep by
The Inspector of Police,
T13, Kundrathur Police Station,
Chennai District,
Crime No.85 of 2022

2.V.Vasanth

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to record the Joint Compromise Memo dated 10.08.2023 and quash the proceedings of the First Information Report in Crime No.85 of 2022 dated 29.01.2022 on the file of the first respondent.

For Petitioner : Mr.P.Dinesh Kumar

For Respondent 1 :Mr. A. Gopinath

Government Advocate (CrI. Side)

ORDER

The Criminal Original Petition has been filed to quash the FIR in Crime No. 85 of 2022, pending on the file of the first respondent.



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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 Compromise Memo as well as the affidavit of the defacto complainant has been filed before this Court which have been signed by the petitioner and the defacto complainant and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.S.Thirunavukarasu, Sub Inspector of Police, T5 Kundrathur Police Station. In the joint compromise memo and affidavit, it has been stated that the petitioner and the second respondent had entered into a compromise and amicably settled their issues in Crime No.85 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 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



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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.85 of 2022, on the file of the first respondent Police.

5. This Criminal Original Petition stands **allowed** and as a sequel, the proceedings in Crime No.85 of 2022, on the file of the first respondent police, is quashed and the terms of affidavit shall form part and parcel of this order. There shall be a direction to the respondent police to proceed with the investigation in Crime No.85 of 2022 insofar as A1 to A3 are concerned and file final report or closure report as the case may be, before the concerned jurisdictional Court within a period of three months from the date of receipt of a copy of this Order.

13.09.2023

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order



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To

1.The Inspector of Police,
T13, Kundrathur Police Station,
Chennai District,

2. The Public Prosecutor,
High Court, Madras



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N. ANAND VENKATESH, J.
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