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Crl.OP.No.21582 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21582 of 2023

1.Ibrabim @ Kulai Ibrahim
S/o.Abdul Rasaq

2.Kumar @ Ayyar
S/o.Selvendran

3.Muthali
S/o.Moideen Pillai

4.Azarudeen
S/o.Sheik Dawood

... Petitioners

Vs.

1.The State represented by
The Inspector of Police,
D-1 Ramanathapuram Police Station,
Coimbatore.
Crime No.196 of 2023

2.Usman
S/o.Akbar

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to call for the records in Crime No.196 of 2023 now pending
investigation on the file of first respondent and quash the same.



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Crl.OP.No.21582 of 2023

For Petitioners : Mr.K.Thenrajan
For Respondents : Mr.A.Gopinath
Government Advocate [Crl.side] [R1]
Mr.E.Viswanathan [R2]

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Crime No.196 of 2023 pending on the file of first respondent.

2. 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.

3. A compromise affidavit of second respondent/de-facto complainant has been filed before this Court. The petitioners and second respondent were also present in person before this Court. 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 Crime No.196 of 2023 pending on the file of first respondent. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



WEB COUNCIL

4. Insofar as A1 is concerned, learned Government Advocate [Crl.side] submitted that there are cases against him and that he is now presently confined at Central Prison, Coimbatore. In the considered view of this Court, involvement of A1 in other cases cannot be a ground to continue the proceedings in this case, more particularly, when the *de facto* complainant has compromised the dispute with all the accused persons.

5. Accordingly, 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 Crl 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.196 of 2023 pending on the file of first respondent.



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6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.196 of 2023 pending on the file of first respondent, is quashed and the terms of affidavit shall form part and parcel of this order. Each of the petitioner shall pay a sum of Rs.750/- (Rupees Seven Hundred and Fifty only) as costs, to the credit of the **President, Advocates Clerk Association, Udumalpet (Bank of India, Udumalpet Branch, A/c No.824410110004383, IFSC Code:BKID0008244)**, within a period of two (2) weeks from today and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

Post this case under the caption 'for reporting compliance' on 09.10.2023.

22.09.2023

Note: Issue order copy by 27.09.2023

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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- To
- 1.The Inspector of Police,
D-1 Ramanathapuram Police Station,
Coimbatore.
Crime No.196 of 2023
 - 2.The Public Prosecutor,
Madras High Court,
Chennai.



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N.ANAND VENKATESH, J.

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