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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.07.2023

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THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.26484 of 2022

and

Crl.M.P.No.16302 of 2022

Mr.Sultan Mia Maniyam

.. Petitioner

Vs.

1. State Rep by its
The Inspector of Police,
Karamadai Police Station,
Coimbatore.

2. C.Chandhirakala

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating in Crime No.471 of 2022 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.C.Mohammed Aseep

For Respondent No.1 : Mr.A.Gopinath



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Government Advocate (Crl.Side)

ORDER

The Criminal Original Petition has been filed to quash the FIR in Crime No.471 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 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 MrJ.Gunasekaran, Sub Inspector of Police, Annur Police Station, Coimbatore. In the joint compromise memo, it has been stated that the petitioner and the second respondent had entered into a compromise and amicably settled their issues in Crime No.471 of 2022. This Court also enquired both the parties and was satisfied that the



parties have come to an amicable settlement between themselves. The terms of Joint compromise memo are extracted hereunder :-

Both the petitioner and 2nd respondent / De-Facto Complainant humbly submit as follows:

It is submitted by the Petitioner that the 2nd respondent / De-Facto Complainant lodged a complaint against the petitioner and the same has been registered as FIR in Crime No.471 of 2022 dated 09.09.2022 on the file of Inspector of Police Karamadai Police Station, Coimbatore U/s. 294(b), 353, 354, 448, 506(i) of IPC r/w 4 of the TN Prohibition Harassment Women Act, 2002.

2) It is submitted that the petitioner has filed the above Original petition in Crl.O.P.No.26484 of 2022 to quash the FIR. At this juncture, the petitioner and 2nd respondent / De-Facto Complainant decided to resolve the case as compromise and entered a Memorandum of Compromise on 26.08.2023. Further the 2nd respondent / De-Facto Complainant has unconditionally withdrawn all the allegations leveled against the petitioner and as she is not interested in proceeding further with the complaint.

3) The petitioner undertakes that he will not go any were near the second respondent and cause any harassment.



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4) *The petitioner and defacto complaint have agreed and confirmed that they will have no claims or allegations against each other and would part ways amicably and resolve the same by way of the present compromise memo out of their own free will and conscience.*

5) *Pursuant to above mentioned Memorandum of Compromise the 2nd respondent / De-Facto Complainant has no objection to quash the Crime No.471 of 2022 on the file of Inspector of Police, Karamadai Police Station, Coimbatore.*

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 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 First Information Report in Crime No.471 of 2022, on the file of the 1st respondent Police.



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5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.471 of 2022, on the file of the 1st respondent police, is quashed and the terms of affidavit shall form part and parcel of

this order. The petitioner shall pay a sum of Rs.25,000/- (Rupees Twenty five thousand only) each as costs, to the credit of the President, Tamil Nadu Advocates Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157), within a period of two weeks 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. Consequently, the connected miscellaneous petition is closed.

26.07.2023

Index :Yes/No
Internet:Yes/No
Speaking/Non speaking order
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Note: Issue order copy on 09.08.2023



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To

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1. The Inspector of Police,
Karamadai Police Station,
Coimbatore.
2. The Public Prosecutor,
High Court, Madras.

N. ANAND VENKATESH,J

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**Crl.O.P.No.26484 of 2022
and**



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Crl.M.P.No.16302 of 2022

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