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Crl.O.P.No.27845 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.27845 of 2022

1.Thaniga @ Thanigaivel

2.Ranjithkumar

3.Mowlana ... Petitioners

Vs.

1.State rep by
The Inspector of Police, (Crime)
S.5, Pallavaram Police Station,
Chengalpattu District 600 043.

2.M.Sarathraj ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in Crime No.515 of 2022 dated 28.06.2022 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.S.Sathish Kumar
For Respondent : Mr.S.Santhosh
No.1 Government Advocate (Crl. Side)
For Respondent : Mr.A.Logesh
No.2

ORDER



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This Criminal Original Petition is filed to call for the records in Crime No.515 of 2022, dated 28.06.2022, on the file of the first respondent and quash the same.

2.The case of the prosecution is that on 28.06.2022, while the second respondent/defacto complainant went to buy some fish food in a shop, one auto crossed the second respondent/defacto complainant and the petitioners/accused 1 to 3 were in the auto. The petitioners waylaid the second respondent/defacto complainant and abused him with filthy language, beaten him, robbed a sum of Rs.7,000/- from him at the knife point and also threatened him with dire consequences. Hence, the second respondent/defacto complainant lodged a complaint with the respondent police and the same was registered in Crime No.515 of 2022, dated 28.06.2022, on the file of the first respondent police for the offences under Sections 341, 294 (b), 323, 397 and 506 (2) IPC.

3.A joint compromise memo is filed by the petitioners and the second respondent/defacto complainant, wherein, it is stated that the petitioners/accused and the second respondent/defacto complainant have amicably settled the issues between them in order to have a peaceful



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relationship between them. The second respondent/defacto complainant has no objection to quash the proceedings against the petitioners in crime No.515 of 2022. Today, petitioners and second respondent are present before this Court. Second respondent/defacto complainant reaffirmed that he has amicably settled the issue with the petitioners and has no objection in quashing the proceedings against the petitioners.

4.However, the learned Government Advocate (Crl.Side) submitted that the first petitioner is a rowdy and history sheeter and five cases in Crime Nos. 478 of 2011, 546 of 2016, 547 of 2016, 2223 of 2016 and 515 of 2022 are pending against him.

5.When this Court expressed that there are several cases pending against the first petitioner and quashing of FIR in Crime No.515 of 2022 cannot be done, the learned counsel for the petitioners prays this Court to permit him to withdraw the petition as against the first petitioner. Permission granted. Therefore, Crl.O.P.No.27845 of 2022 is dismissed as withdrawn as against the first petitioner.

6.So far as the other petitioners are concerned, in view of the



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compromise reached between petitioners 2 and 3 and the second respondent/defacto complainant, this Court is of the view that to have a peaceful and healthy relationship hereafter, petitioners 2 and 3 and the second respondent/defacto complainant may be permitted to compound the offences and the FIR against petitioners 2 and 3 in Crime No.515 of 2022 is ordered to be quashed. As against the first petitioner, this petition is dismissed as withdrawn. The respondents police are directed to file a final report at the earliest preferably within a period of three months from the date of receipt of a copy of this order.

7.Accordingly, this Criminal Original Petition is dismissed as withdrawn as against the first petitioner and is allowed as against the second and third petitioner.

09.01.2023

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Internet:Yes
Index:Yes/No
Speaking/Non speaking order

To:

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1.The Inspector of Police, (Crime)
S.5, Pallavaram Police Station,
Chengalpattu District 600 043.

2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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