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Crl.O.P.No.28157 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 17.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

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1 Mohd Anwar

2 Tajunissa

3 Mohd. Ibrahim

4 Mohd. Ismail

5 Sara Fathima

6 Hajeera Begum

...

Petitioners

VS.

1 Inspector of Police
Hudco Police Station
Hosur, Krishnagiri District.
(Cr.No.148/2022)

2 Shataj

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in connection with Cr.No.148 of 2022 on the file of the Hudco Police Station, Hosur, Krishnagiri District and quash the same.



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For Petitioners : Mr. P.C.Naveen Kumar
For Respondent-1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)
For Respondent-2 : M/s.D.Jayanthi

ORDER

This Criminal Original Petition is filed for quashing Cr.No.148 of 2022 on the file of Hudco Police Station, Hosur , Krishnagiri District.

2. On the basis of the complaint given by the second respondent / defacto complainant, First Information Report in Cr.No.148 of 2022 for the offences under Sections 406 and 420 IPC came to be registered. The allegation is that the second respondent / defacto complainant's son was married to 6th accused. 6th accused had taken the jewelleryes from the defacto complainant's house and not returned.

3. When the matter is taken up for hearing, petitioners and second respondent/defacto complainant are present in person before this Court and filed a joint memorandum of a compromise stating that due to intervention of



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elders and to have a peace, they have resolved the dispute. Petitioners and second respondent/defacto complainant were identified by Mr.Thimmaraj, Head Constable, Hudco Police Station. When enquired the second respondent/defacto complainant reiterated that the issue between petitioners and second respondent/defacto complainant has been resolved and that second respondent/defacto complainant does not want to proceed further with the case against the petitioners and has no objection for quashing the FIR in Crime No. 148 of 2022.

4. Considering the facts that the parties have amicably settled the issue between them, second respondent/defacto complainant does not want to prosecute the case against petitioners and that he has no objection for quashment of proceedings, no useful purpose will be served in keeping the First Information Report in Crime No. 148 of 2022 pending.

5. 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)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No. 148 of 2022.



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6. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No. 148 of 2022, on the file of the first respondent police is quashed and the terms of joint compromise memo of the parties and the consent affidavit filed by the second respondent/defacto complainant shall form part and parcel of this order.

17.03.2023

mra

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

To:

1. The Inspector of Police
Hudco Police Station
Hosur, Krishnagiri District.
2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

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