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Crl.OP.No.29890 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.29890 of 2022

- 1.Johny @ Johnson
- 2.Satheesh @ Satheesh Kumar
- 3.Ajithkumar
- 4.Narendiran @ Narendhiran Priyan
- 5.Balachandar

... Petitioners

Vs.

- 1.State rep by,
The Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Chennai
crime No.847 of 2019
- 2.J.Premanand

... Respondents

PRAYER: Criminal original petition is filed under Section 482 of Cr.P.C. to call for the records in crime No.847 of 2019(pending investigation) on the file of the first respondent herein and to quash the FIR and entire proceedings insofar as it relates to the petitioners are concerned.

For Petitioners

: Mr.C.Krishnamoorthy

For Respondents
For R1

: Mr.A.Gopinath,
Government Advocate(Crl.side)



WEB COPY



Crl.OP.No.29890 of 2022

For R2

: M/s.Vijay R.Shukla

ORDER

This Criminal Original Petition has been filed to quash the proceedings in crime No.847 of 2019 on the file of the first respondent registered for the offence under Sections 285, 294(b), 323, 427 and 506(ii) of IPC and Section 4 of TNPHW Act, 2002 as against the petitioners.

2. Though the case is in the stage of investigation, by passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. An affidavit of the second respondent / defacto complainant has been filed before this Court which has been signed by the defacto complainant. This Court is also satisfied that the parties have come to an amicable settlement between themselves. The affidavit of the defacto complainant dated 16.11.2022 is extracted hereunder:

I am the complainant herein as such I am well acquainted with the facts and circumstances of the case.



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2. *I submit that I lodged a complaint against the said Johny @ Johnson, Satheesh @ Satheesh Kumar, Ajithkumar, Narendiran@ Narendhiran Priyan and Balachander before the Respondent-1 and the same has been registered in Cr. No.847 of 2019 for alleged offences U/s. 285, 294(b), 323, 427 and 506 (ii) of I.P.C. and Sec.4 of TNPHW Act 2002 Dated 26.10.2019.*

3. *I submit that due to the misunderstanding, I had lodged the complaint and the same was registered in Cr.No. 847 of 2019 and now we have settled out the disputes between us and we would like to compromise the issue between us,*

4. *I submit that in the view of compromise arose between us, this Hon'ble Court may be pleased to permit me to file this affidavit and considering this Court may be pleased to Quash the First Information Report.*

5. *I submit that in the interest of justice, pursuing the said complaint would be unfair and unjustifiable.*

6. *I submit that this Hon'ble Court on considering the circumstances and Welfare of both the Petitioners and defacto complainant, may be pleased to Quash the First Information Report in Cr. No.847 of 2019.*

Hence, it is most humbly prayed that this Hon'ble Court may be pleased to quash the FIR and entire proceedings in Cr. No.847 of 2019 (pending Investigation) on the file of the Inspector of Police, J-6, Thiruvanmiyur Police Station, Chennai and pass such or further orders as this Hon'ble Court



CrI.OP.No.29890 of 2022

may deem fit and proper and thus render justice.

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4. Under such circumstances, no useful purpose will be served in keeping the present proceedings 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)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. is inclined to quash the impugned proceedings.

5. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the entire proceedings in crime No.847 of 2019 (pending investigation) on the file of the first respondent is quashed and the affidavit of the defacto complainant dated 16.11.2022 shall form part and parcel of this Order.

30.11.2023

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order

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CrI.OP.No.29890 of 2022

To

- 1.The Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Chennai
- 2.The Government Advocate,
High Court of Madras



WEB COPY



CrI.OP.No.29890 of 2022

G.K.ILANTHIRAIYAN, J.

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CrI.OP.No.29890 of 2022

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