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Crl.O.P.No.30158 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.30158 of 2022

and

Crl.M.P.No.18497 of 2022

Prathap M

...

Petitioner

Vs.

1.State rep. by
Inspector of Police,
Karamadai Police Station,
Crime No.564 of 2022
Coimbatore District.

2.Sulfikar

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the proceedings in Cr.No.564 of 2022 on the file of the respondent, Karamadai Police station, Coimbatore District and quash the same.

For Petitioner : Mr.P.Kalimuthu

For Respondent : Mr.S.Santhosh
No.1 Government Advocate (Crl. Side)

For Respondent : Mr.G.Pandian
No.2



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ORDER

This Criminal Original Petition is filed to call for the records relating to the proceedings in Crime No.564 of 2022, on the file of the first respondent, Karamadai Police station, Coimbatore and quash the same.

2.The case of the prosecution is that the second respondent/defacto complainant is working as a Driver to the Government Advocate and on 26.10.2022, when he was driving the vehicle bearing No.TN 40 U 046 IGNIS owned by the Government Advocate, petitioner was driving his vehicle bearing No.TN 40 AA 1505 in a reckless manner from the opposite direction. Since the vehicle driven by the petitioner came as if it might hit his vehicle, second respondent/defacto complainant questioned him that why he came fast. Petitioner came out of his vehicle and abused the Driver. There was a wordy quarrel between the parties. The petitioner abused the driver and threatened him. Therefore, a case was registered under Sections 279, 294 (b) & 506 (1) IPC, in Crime No.564 of 2022, on the file of the first respondent.

3.When the matter is taken up, the petitioner and the second respondent/defacto complainant filed a joint compromise memo. The second



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respondent/defacto complainant also filed a consent affidavit. It is also seen from the joint compromise memo and the consent affidavit that the petitioner and second respondent/defacto complainant have resolved their differences and second respondent does not want to proceed further with this case. He has no objection for quashing the proceedings in Crime No.564 of 2022, against the petitioner.

4.Both the petitioner and the second respondent/defacto complainant were also present in person before this Court and they were identified by Mr.P.Nagendra Babu, Special Sub Inspector of Police, Karamadai Police Station, Coimbatore District. When this Court enquired the second respondent/defacto complainant, he reaffirmed that he does not want to proceed the case against the petitioner and has no objection for quashing the FIR in Crime No.564 of 2022.

5.Considering the facts that the parties have amicably settled the issue between them, the second respondent/defacto complainant does not want to prosecute the case against the petitioner and that he has no objection for quashment of proceedings, no useful purpose will be served in keeping the



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First Information Report pending.

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6.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.564 of 2022.

7.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.564 of 2022, on the file of the first respondent police is quashed and the terms of joint compromise memo dated 09.01.2023 shall form part and parcel of this order. Consequently, connected miscellaneous petition is also closed.

09.01.2023

sli

Internet:Yes

Index:Yes/No

Speaking/Non speaking order

To:

1.The Inspector of Police,
Karamadai Police Station,

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Crime No.564 of 2022
Coimbatore District.

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2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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