



Crl.O.P.No.1089 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 25.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1089 of 2023

- 1.Mohamed Thoufeek Ali
- 2.Pasupathi
- 3.Kanava Syed
- 4.Jackson
- 5.Nowshath
- 6.Mohamed Irfan

... Petitioners

Vs.

- 1.State rep. by
The Inspector of Police,
Tiruppur South Police Station,
Tiruppur District.
(Crime No.598 of 2022)

- 2.Sheik Abdul Kadhar

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for records pertaining to the first information report in Crime No.598 of 2022 pending investigation on the file of the first respondent police and quash the same based on the compromise arrived at between the petitioners and the 2nd respondent/defacto complainant.

For Petitioners : Mr.N.Suresh

For R1 : Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.598 of 2022 pending investigation on the file of the first respondent.

2.It is alleged that there was a dispute between the petitioners and the defacto complainant with regard to missing of the mobile phone of the first petitioner's wife. Due to which, they have assaulted the defacto complainant and the defacto complainant has sustained injuries. In this regard, the defacto complainant has lodged a complaint and the same has also been registered against the petitioners in Crime No.598 of 2022 for the offences punishable under Sections 147, 148, 294(b), 341, 323, 324, 506(2), 365 IPC.

3.The learned Government Advocate (Crl.Side) submitted that the case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4.When the matter is taken up for hearing today, a joint memorandum of



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compromise dated 24.01.2023 has been filed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by **Mr.J.Ramasamy, SSI, South Police Station, Tiruppur City** as well as by the learned Counsels appearing for the parties.

5.It is seen from the joint memorandum of compromise that the parties have resolved their disputes and the second respondent does not want to proceed further with the case. He has no objection to quash the FIR against the petitioners in Crime No.598 of 2022.

6.This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The parties have reiterated that they have resolved their dispute with an intervention of elders and the second respondent submitted that he does not want to prosecute the case against the petitioners and he has no objection for quashing the FIR in Crime No.598 of 2022 on the file of the first respondent.

7.Considering the fact that the second respondent does not want to



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prosecute the case against the petitioners and that he has no objection for quashment of proceedings and also considering that the main offences are compoundable offence, no useful purpose will be served in keeping the First Information Report pending.

8.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.598 of 2022.

9.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.598 of 2022, on the file of the first respondent police is quashed and the terms of joint compromise memo shall form part and parcel of this order.

25.01.2023

Index:Yes/No

Speaking/Non speaking order

sp



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To

- 1.The Inspector of Police,
Tiruppur South Police Station,
Tiruppur District.
- 2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

sp

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