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Crl.OP.No.1375 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1375 of 2023

1. Anand Kumar

2. Kumar @ Thoppulan Kumar

3. Gavskar

4. Balaji

5. Ajith Kumar

... Petitioners

Vs.

1. The State Represented by,
Inspector of Police,
D-2, Annasalai Police Station,
Chennai - 600 002.

2. Mani @ Manikandan

3. Indira Mani @ Appu
(Impleaded as per order dated 10.02.2023 in Crl.M.P.No.1844 of 2023.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in S.C.No.18 of 2022 on the file of the XV Additional Sessions Court, Collector Office, Campus, Chennai and quash the same.



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For Petitioner : Mr.C.Raja
For R1 : Mr.S.Santhosh
Government Advocate (Crl. Side)
For R2 & R3 : Mr.G.Mohan Raj

ORDER

This Criminal Original Petition has been filed to call for the records in S.C.No.18 of 2022 on the file of the XV Additional Sessions Court, Collector Office, Campus, Chennai and quash the same.

2. A case was registered and final report was filed as against the petitioners for the offence under Sections 147, 148, 294(b), 323, 324, 506(ii) of IPC @ 147, 148, 294(b), 323, 324, 307, 506(ii) of IPC read with Section 149 of IPC. The allegations are that, at about 09.30.p.m., accused had beaten Baskar and Appu and thereby caused injuries. Therefore, case came to be registered.

3. Today (10.03.2023), petitioners, defacto complainant and the injured Appu are present before this Court they were identified by **Mr.Krishnan, Special Sub-Inspector of Police, D2 Anna Salai Police Station, Chennai** and filed a Joint Compromise Memo stating that the issue between petitioners and



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defacto complainant have resolved the and that defacto complainant does not want to proceed further with the case against the petitioners and has no objection for quashing the proceedings as against the petitioners. They also filed consent petition in this regard.

4. In response, learned Government Advocate (Crl. Side) opposes the petition on the ground that, there are criminal cases pending against A1 to A3 (namely Anand Kumar, Kumar @ Thoppulan Kumar, Gavaskar) and History sheet is also opened against them. He further submitted that there is no previous case pending against A4 & A5 (namely Balaji and Ajith Kumar).

5. In view of the above, this Court is not inclined to quash the S.C.No.18 of 2022 as against A1 to A3, since they are History Sheeters. However, in view of the fact that A4 and A5 are first offenders and they have resolved the dispute between the defacrto complainant and having regard to the fact that further proceedings as against A4 and A5 would not help the prosecution, continuance of the proceedings in S.C.No.18 of 2022 against A4 and A5 would not be in the interest of Justice.



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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 proceedings as against A4 & A5 (namely Balaji and Ajith Kumar). pending in S.C.No.18 of 2022 on the file of the XV Additional Sessions Court, Collector Office, Campus, Chennai.

7.Accordingly, this Criminal Original Petition stands allowed in part and as a sequel, the proceedings as against A4 & A5 (namely Balaji and Ajith Kumar) pending in S.C.No.18 of 2022 on the file of the XV Additional Sessions Court, Collector Office, Campus, Chennai is quashed and the terms of joint compromise memo shall form part and parcel of this order.

10.03.2023

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1. Inspector of Police,
D-2, Annasalai Police Station,
Chennai - 600 002.
2. XV Additional Sessions Court, Collector Office, Campus, Chennai
3. The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

Sma

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