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Crl.O.P.No.22983 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.22983 of 2023

1.Nazar
2.Mohamed Asraf
3.Mohamed Thoufiq
4.Muhammadu Najmuddheen
5.Sajeeth Ahamed
6.Karthik

... Petitioners

Vs.

1.State rep. by,
The Inspector of Police
Avinashi Police Station,
Tiruppur District.
(Crime no.349 of 2023)

2.Gunasekar

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records in connection with the impugned F.I.R. in Crime No.349 of 2023 on the file of the first respondent and quash the same.

For Petitioners : M/s.M.Vijaya Ragavan
For Respondents : Mr.A.Gopinath for R1
Government Advocate (Crl. Side)



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ORDER

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The criminal original petition has been filed seeking to quash the F.I.R. in Crime No.349 of 2023 on the file of the first respondent.

2.It was brought to the notice of this Court that during the pendency of this petition, investigation was completed and final report was filed on the file of the learned Judicial Magistrate, Avinashi in C.C.No.18 of 2024.

3.The case is still at the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4.The Joint Memo of Compromise dated 31.07.2023 has been filed before this Court which have been signed by the petitioners and the second respondent and also by the learned counsel for the petitioners. The petitioners and the second respondent were also present in person before this Court. In order to identify the respective parties they have also produced the copies of the Aadhaar Card and they are made part of the record. In the Joint Memo of Compromise it has been stated that the petitioners and the second respondent had



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entered into a compromise and amicably settled their issues in C.C.No.18 of 2024. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5.Under such circumstances, no useful purpose will be served in keeping the case 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 Gujraath)**, and after exercising due caution as advised by the Hon'ble Supreme Court in **The State of Madhya Pradesh Vs. Dhruv Gurjar and Another** reported in **(2019) 2 MLJ CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in C.C.No.18 of 2024 pending on the file of the learned Judicial Magistrate, Avinashi.

6.This criminal original petition stands allowed and as a sequel, the proceedings in C.C.No.18 of 2024 on the file of the learned Judicial Magistrate, Avinashi, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. Each of the



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petitioners shall pay a sum of Rs.750/- (each Rupees Seven Hundred and Fifty Only) as costs, to the credit of the **President, Tamil Nadu Advocates Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157)**, within a period of one week from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

02.02.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The learned Judicial Magistrate,
Avinashi.

2.The Inspector of Police
Avinashi Police Station,
Tiruppur District.
(Crime no.349 of 2023)

3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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N.ANAND VENKATESH,J.
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