

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2016

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Cr1.O.P.No.26239 of 2016

1.Ramakrishnan
2.Mariyappan
3.Saranraj
4.Rajadurai
5.Murugesan
6.Sundarraaj
7.Rajan

... Petitioners

Vs

1.State rep. by
the Sub Inspector of Police,
E-8, Kelampakkam Police Station,
Kancheepuram District.

2.M.Rajesh

... Respondents

Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to CC No.735 of 2013 pending trial on the file of Judicial Magistrate No.I, Chengalpattu for offences under Sections 147, 294(b), 352 & 506 (i) IPC and quash the same.

For Petitioners : Mr.R.Sasikumar

For R1 : Mr.C.Emalias, APP

For R2 : Mr.R.Premkumar

ORDER

This petition has been filed to call for the records pertaining to C.C.No.735 of 2013 on the file of the Judicial Magistrate No.I, Chengalpattu and quash the same.

2. The case of the petitioners is that on the basis of the complaint lodged by the second respondent / defacto complainant, a case in Cr.No.333 of 2012 was registered against them for the offences punishable under Sections 147, 294(b), 323 and 506(i)

IPC. After completion of investigation, charge sheet was filed before the learned Judicial Magistrate No.I, Chengalpattu and the same was taken on file as CC No.735 of 2013, which is now pending trial.

3. Today, when the matter came up for hearing, the first petitioner/A1 and the second respondent / defacto complainant along with their respective counsel on record are present. They have submitted that the dispute between them was amicably settled and they have filed a memo of compromise entered into by them on 12.09.2016, to that effect. When this Court also enquired the parties particularly, the second respondent/defacto complainant about the factum of the compromise and the terms of the compromise, they admitted the same.

4. In the said memo of compromise filed by the parties, it has been stated as follows:

"3.It is humbly submitted that during the pendency of the trial in CC No.735 of 2013 on the file of Judicial Magistrate No.I, Chengalpattu, they arrived an amicable settlement considering their peaceful and future life of both the parties, the second respondent herein agreed to withdraw the case which was pending in CC No.735 of 2013 against the petitioners.

4. It is humbly submitted that as per the amicable settlement, the second respondent herein agreed to join the prayer of the petitioners for quashing the proceedings in CC No.735 of 2013 pending on the file of Judicial Magistrate No.1, Chengalpattu.

5. It is humbly submitted that the entire matter was amicable settled between the parties. Hence, the second respondent herein on his own willingness agreed to withdraw the complaint in the above CC No.735 of 2013 on the file of Judicial Magistrate No.I, Chengalpattu and by quashing the proceedings no prejudice would be caused to any of the parties.

6. It is humbly submitted that the petitioners and the second respondent humbly prayed that this Hon'ble Court may be pleased to call for the records relating to CC No.735 of 2013 on the file of Judicial Magistrate No.1, Chengalpattu and quash all the proceedings and pass such further or other orders as it may deem fit and thus render justice."

5. In view of the above, this Criminal Original Petition is allowed and the criminal proceedings in CC.No.735 of 2013 on the file of the Judicial Magistrate No.I, Chengalpattu is quashed. The memorandum of compromise dated 12.09.2016 filed by the parties, is taken on record.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1.The Judicial Magistrate No.I, Chengalpattu.

2.The Sub Inspector of Police,
E-8, Kelampakkam Police Station,
Kancheepuram District.

3.The Public Prosecutor, High Court,
Madras - 104.

+3 cc to M/s.R.Sasikumar,advocate,sr.72695.

rp(co)
krd 9/1

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