

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.01.2019

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THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

Crl.OP.No.30741 of 2012
and
MP.Nos.1 and 2 of 2012

1. V.S.S.Siddarthan Selvakumar
2. S.Parthsarathy
- 3.G.Balaji

... Petitioners/Accused 1to3

Vs.

1. State by Inspector of Police,
District Crime Branch,
Thiruvallur District,
(Crime No.5 of 2009)
2. S.Shyamsundar
(R2 is impleaded as per the Order of
this Hon'ble Court dated 20.06.2018
made in Crl.MP.No.8176 of 2018
in Crl.OP.30741 of 2012)

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the entire records concerned with C.C.No.33 of 2012 from the file of the District Munsif-cum-Judicial Magistrate, Uthukottai, Thiruvallur District and to quash the same.

For Petitioner :Mr.Sivalingam
for M/s.Siva Associates
For Respondents :Mr.R.Surya Prakash,
Government Advocate (Crl.Side) for R1

: Mr.C.P.Hem Kumar
for Ganesh and Ganesh for R2

ORDER

This petition has been filed by the accused persons 1 to 3 to quash the proceedings against them in C.C.No.33 of 2012

on the file of the District Munsif-cum-Judicial Magistrate, Uthukottai, Thiruvallur District.

2. Based on the complaint given by the second respondent, the first respondent registered a case against the petitioners herein in Crime No.5 of 2009 under Sections 406, 384 and 294 (b) I.P.C and after investigation, filed a charge sheet. Based on the said charge sheet, the learned District Munsif-cum-Judicial Magistrate, Uthukottai, Thiruvallur District, has taken the case on file in C.C.No.33 of 2012 and issued summons to the petitioners herein. After receipt of summons, the petitioners have filed the present petition under Section 482 of Cr.P.C., to quash the proceedings against them in the above C.C.No.33 of 2012.

3. When this matter came up for hearing today, the learned counsel for the petitioners and the learned counsel for the second respondent have filed a Joint Compromise Memo stating that the parties have settled the issues and based on the said compromise, the case may be quashed against the petitioners. Along with the said compromise memo, the letter issued by the second respondent, authorizing one Krishna Murthy to represent for him in the above case. In the said authorization letter, the second respondent herein has stated that they have compromised the matter with the accused persons and hence, they do not want to pursue the matter.

4. The petitioners 1 to 3/ accused 1 to 3 and the authorized person of the second respondent viz., A.R.Krishna Murthy are present with their respective counsel. They have stated that they have settled the matter and made a request to quash the proceedings against the petitioners herein in C.C.No.33 of 2012 on the file of the District Munsif-cum-Judicial Magistrate, Uthukottai, Thiruvallur District. The Identity of the parties are verified with reference to the Aadhar Cards of V.S.S.Siddharthan Selvakumar, G.Balaji and A.R.Krishna Murthy and the Indian Driving licence (Tamilnadu) of S.Parthasarathy respectively and the learned Government Advocate (Crl.Side) also has taken notice in the said compromise memo, but he has not raised any objection.

5. Considering the fact that the parties have compromised the matter, this Court is of the view that the continuance of the proceedings against the petitioners herein in C.C.No.33 of 2012 on the file of the District Munsif-cum-Judicial Magistrate, Uthukottai, Thiruvallur District, will not serve any purpose. Hence, this Court is inclined to quash the proceedings against them.

6. In the result, this Criminal Original Petition is allowed. The proceedings against the petitioners in C.C.No.33 of 2012 on the file of the District Munsif-cum-Judicial Magistrate, Uthukottai, Thiruvallur District are quashed. The Compromise memo shall part of this Order. Consequently, connected miscellaneous petitions are closed.

*The Xerox Copy of Enclosed Memo of Compromise

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Munsif-cum-Judicial Magistrate,
Uthukottai,
Thiruvallur District.
2. The Inspector of Police,
District Crime Branch,
Thiruvallur District.
3. The Public Prosecutor,
High Court, Madras.

Crl.OP.No.30741 of 2012
and
MP.Nos.1 and 2 of 2012

SR(CO)
GSP(28/02/2019)

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