

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Cr1.O.P.No.3936 of 2019

1.S.Arul
2.M.Gunasekar ...Petitioners

Vs.

1.State Rep. by
Inspector of Police
K-3, Aminjikarai Police Station
Chennai 600 029

2.A.Aravindan ...Respondents

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and quash the proceedings pending in C.C.No.1939 of 2010 on the file of the learned V Metropolitan Magistrate, Egmore, Chennai-8 against the petitioners under the grounds of compromise.

For Petitioners : Mr.M.Shankar

For Respondents : M.Mohamed Riyaz for R1
Addl. Publi Prosecutor

सत्यमेव जयते
: Mr.C.Subramanian for R2

ORDER

This Criminal Original Petition has been filed by the petitioners to call for the records and quash the proceedings pending in C.C.No.1939 of 2010 on the file of the learned V Metropolitan Magistrate, Egmore, Chennai-8 against the petitioners under the grounds of compromise.

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

3.An Affidavit has been filed by the 2nd respondent / defacto complainant before this Court. The petitioners are present and identified by their respective counsel and the Police. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card are made part of the record. This Court also enquired both sides and was satisfied that the parties have come to an amicable settlement between themselves.

4. Under such circumstances, no useful purpose will be served in keeping the First Information Report 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 Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the C.C.No.1939 of 2010 pending on the file of the learned V Metropolitan Magistrate, Egmore, Chennai-8.

5.Accordingly, This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.1939 of 2010 pending on the file of the learned V Metropolitan Magistrate, Egmore, Chennai, is quashed and the terms of affidavit filed by the petitioners shall form part and parcel of this Order. The petitioner shall pay a sum of Rs.5,000/-, as costs, to the Chennapuri Annadana Samajam, No.2, Sundara Salai, R.A.Puram, Chennai-28, Ph.+91-044-25354848 / 9841197841, 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.
kas Sd/-

Assistant Registrar(CS vi)

//True Copy//

Sub Assistant Registrar

To

- 1.The V Metropolitan Magistrate, Egmore, Chennai
- 2.Inspector of Police
K-3, Aminjikarai Police Station, Chennai 600 029
- 3.The Public Prosecutor, High Court of Madras.

+1cc to Mr.M.Shankar , Advocate SR.No. 25785

+1cc to Mr.C.Subramanian , Advocate SR.No. 26136

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BR (CO)

A.SK(22/04/2019)