

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6088 of 2019

1.D.Madhan
2.Usharani
3.R.Dheenadayalan

..Petitioners

Vs.

State by
1.The Inspector of Police
W-33, All Women Police Station
Madhavaram
Chennai

2.J.Sujatha

...Respondents

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.228 of 2016 now pending on the file of the Judicial Magistrate, Thiruvottiyur and quash the same.

For Petitioners : Mr.A.Asokan

For Respondents : Mr.C.Raghavan - for R1
Govt. Advocate (Crl. Side)

Mr.K.Sumathi for R2

ORDER

This Criminal Original Petition has been filed by the petitioners to call for the records in C.C.No.228 of 2016 now pending on the file of the Judicial Magistrate, Thiruvottiyur and quash the same.

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 dated 04.03.2019 has been filed before this Court by the 2nd respondent that the parties have settled the matter between themselves.. All the parties 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 the 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.228 of 2016 pending on the file of learned Judicial Magistrate, Thiruvottiyur.

5. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.228 of 2016 pending on the file of learned Judicial Magistrate, Thiruvottiyur is quashed and the terms of the affidavit dated 04.03.2019 shall form part and parcel of this Order. The petitioner shall pay a sum of Rs.5,000/-, as costs, to the Sevalaya, No.54, P.S.Sivaswamy Road, (North), Mylapore, Chennai-600 004, Tamil Nadu, India, Ph.+91-44-24982204 / 9884503039 / 9444620289, 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.

* Enclosed the Xerox copy of the Affidavit of D.Madhan

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate
Thiruvottiyur
- 2.The Inspector of Police
W-33, All Women Police Station
Madhavaram
Chennai
- 3.The Public Prosecutor,
High Court of Madras.

4. The Sevalaya,
No.54, P.S.Sivaswamy Road (North),
Mylapore, Chennai - 600 004.

5. The Section Officer,
Criminal Section,
High Court, Madras.

+2ccs to Mr.A.Asokan, Advocate, S.R.No.26222

Cr1.O.P.No.6088 of 2019

RSV(CO)

RRS (30/04/2019)



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