

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.10272 of 2019

Santhakumar

... Petitioner/Accused

Vs.

1.State by:

The Inspector of Police,
Perambalur Police Station,
Perambalur District.
(Crime No.327 of 2012)

2.Periyasamy ... Respondents/Complainant/Defacto Complainant

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for records and quash the proceedings/charge sheet in C.C.No.42 of 2013 pending on the file of the Judicial Magistrate, Perambalur.

For Petitioner : Mr.D.Ashok Kumar

For 1st Respondent: Mr.M.Mohamed Riyaz
Additional Public Prosecutor.

O R D E R

This petition has been filed to quash the proceedings in C.C.No.42 of 2013 pending on the file of the learned Judicial Magistrate, Perambalur. सत्यमेव जयते

2.The petitioner has been arrayed as an accused in Crime No.327 of 2012 for the alleged offence under Section 392 IPC. The 1st respondent have completed the investigation and have filed a charge sheet in C.C.No.42 of 2013 before the learned Judicial Magistrate, Perambalur.

3.The learned counsel for the petitioner submitted that the petitioner and the defacto complainant arrived at a compromise and also filed affidavits to that effect and seeks to quash the charge sheet filed in C.C.No.42 of 2013, on the file of the learned Judicial Magistrate, Perambalur.

4.The learned Additional Public Prosecutor submitted that the petitioner committed offence under Section 392 of IPC, therefore, the charge sheet cannot be quashed.

5.Heard both sides.

6.It is seen that the petitioner was charged under Section 392 of IPC and the same was taken cognizance in C.C.No.42 of 2013 by the learned Judicial Magistrate, Perambalur. The petitioner has committed a serious offence and it is grave in nature. Though, the defacto complainant and the petitioner have amicably settled the issues and compromised each other, the charges laid under Section 392 IPC cannot be quashed on the ground of compromise between the parties. Therefore, this Court is not inclined to quash the proceedings in C.C.No.42 of 2013.

7.Accordingly, this Criminal Original Petition stands dismissed. However, the calendar case is of the year 2013. Therefore, the trial Court viz., learned Judicial Magistrate, Perambalur, is directed to complete the trial within a period of three months from the date of receipt of copy of this order.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1. The Judicial Magistrate,
Perambalur.

2. The Inspector of Police,
Perambalur Police Station,
Perambalur District.

3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.D.Ashok Kumar, Advocate sr 40559.

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NRJK (CO)
SP(29/05/2019)