

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.22823 of 2019

Gopinathan

.. Petitioner

Vs.

1.State by,

The Inspector of Police,
Korukkupet Police Station,
Chennai District.
Crime No.441 of 2016

2.Vasudevan

.. Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in P.R.C.No.141 of 2017 pending on the file of the Learned XV Metropolitan Magistrate, George Town in Crime No.441 of 2016 on the file of the Inspector of Police, Korukkupet Police Station, Chennai District and quash the Charge sheet pending against the petitioner.

For Petitioner : Mr.S.Silambuselvan

For Respondents : Mr.M.Mohamed Riyaz (for R1)
Additional Public Prosecutor

(For R2): Mr.Vasudevan,
appearing in person

ORDER

This Criminal Original Petition has been filed to call for the records in P.R.C.No.141 of 2017 pending on the file of the Learned XV Metropolitan Magistrate, George Town in Crime No.441 of 2016 on the file of the Inspector of Police, Korukkupet Police Station, Chennai District and quash the Charge sheet pending against the petitioner.

2. This case is still at 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 of the 2nd respondent/defacto complainant dated 19.08.2019 has been filed before this Court which has been signed by the 2nd respondent and his counsel. In order to identify the respective parties they have also produce the copy of the Aadhaar Card is made part of the record. This Court also enquired both the parties 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 First Information Report in Crime No.441 of 2016 on the file of the 1st respondent police.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.441 of 2016 on the file of the 1st respondent police, is quashed only in so far as the petitioner is concerned and the affidavit of the 2nd respondent/defacto complainant shall form part and parcel of this order. The petitioner shall pay a sum of Rs.1,000/- (Rupees One Thousand only) as costs, to the credit of the Clerk Association, Madras High Court, Chennai, 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.

6. It is made clear that the proceedings can go on in so far as the other accused persons. The learned XV Metropolitan Magistrate, George Town, Chennai is directed to commit the case to the concerned Sessions Court within a period of four weeks from the date of receipt of copy of this order, in order to enable the prosecution to proceed with the case against the other accused persons.

*The Xerox Copy of the Affidavit enclosed

WEB COPY

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vs/jas

To

1.The XV Metropolitan Magistrate,
George Town,
Chennai.

2.The Inspector of Police,
Korukkupet Police Station,
Chennai District.

3.The Public Prosecutor,
Madras High Court.

4.The Secretary,
Clerk Association,
Madras High Court, Chennai.

Copy to

The Registrar (Judicial)
High Court,
Madras.

+1cc to Mr.S.Silambu Selvan, Advocate Sr.73292

Cr1.O.P.No.22823 of 2019

ev[co]
srg 03/10/2019

सत्यमेव जयते

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