

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P.No.6208 of 2017
and
Crl.M.P.Nos.4609 and 4610 of 2017

1.M.S.Murthy
2.A.L.Muthu

: Petitioners

Vs.

1.State, rep. by
Inspector of Police (Crimes),
K-8, Arumbakkam Police Station,
Chennai 600 106.

2.Durai Dhatchanamurthi : Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in C.C.No.26905 of 2004 on the file of V Metropolitan Magistrate, Egmore, Chennai, and to quash the same.

For Petitioners : Mr.S.Murugan
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1

ORDER

This petition has been filed seeking to quash the proceedings in C.C. No.26905 of 2004, pending on the file of the learned V Metropolitan Magistrate, Egmore, Chennai.

2.The learned counsel for the petitioners would submit that a civil transaction has been given a criminal colour and the petitioners have not committed any offence. The learned counsel would further submit that already a settlement has been arrived at between the parties and it was agreed to withdraw the complaint. However, subsequently, this has not been acted upon.

3.The learned counsel for the petitioners apart from raising the above issues also submitted that there are absolutely no materials against the petitioners and the entire proceedings is an abuse of process of Court, which requires the interference of this Court.

4.It is seen from the records that the proceedings is of the year 2004 and already witnesses have been examined in this case. At this stage, this Court cannot interfere with the proceedings. Insofar as the compromise is concerned, unless and otherwise the de-facto complainant comes before this Court and agrees for the compromise, this Court cannot quash the proceedings on the ground of compromise.

5.In the facts and circumstances of the case, it is left open to the petitioners to raise all the grounds before the Court below and also produce the materials to show that the de-facto complainant had agreed to withdraw the proceedings after compromise. It is left open to the Court below to consider the same on its own merits and in accordance with law.

6.In the result, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C. No.26905 of 2004 within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ia/vsg1

To

1.The V Metropolitan Magistrate,
Egmore, Chennai.

2.do thro the Chief metropolitan magaistrate , egmore,
Chennai.8

3.The Inspector of Police (Crimes),
K-8, Arumbakkam Police Station,
Chennai 600 106.

4.The Public Prosecutor,
High Court of Madras,
Madras.

+2ccs to Mr.S.Murugan , Advocate SR.No. 814

Cr1.O.P.No.6208 of 2017

A.SK(01/02/2019)