

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.23214 of 2019

1.Chinnaraj @ Govindarajan  
2.M.Krishnamoorthy  
3.V.K.Umasankar

.. Petitioners

Vs.

1.The state rep by  
Inspector of Police,  
District Crime Branch,  
Erode District, Erode.

2.Gnanavel

.. Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records pertaining to C.C.No.201 of 2019 on the file of the learned Judicial Magistrate No.II, Erode and quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.M.Guruprasad

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

: Mr.R.Sathish Kumar (for R2)

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to C.C.No.201 of 2019 on the file of the learned Judicial Magistrate No.II, Erode and quash the same by allowing this Criminal Original Petition.

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

3.A joint memo of compromise of the petitioners and the 2<sup>nd</sup> respondent/defacto complainant dated 22.08.2019 has been filed before this Court which has been signed by the petitioners and 2<sup>nd</sup> respondent/defacto complainant. 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 C.C.No.201 of 2019 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.201 of 2019 on the file of the learned Judicial Magistrate No.II, Erode.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.201 of 2019 on the file of the learned Judicial Magistrate No.II, Erode, is quashed and the joint memo of compromise of the petitioners and the 2<sup>nd</sup> respondent/defacto complainant shall form part and parcel of this order. The petitioners shall pay a sum of Rs.500/- (Rupees Five Hundred only) each 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.The petitioners have deposited a total sum of Rs.15,00,000/- in Crime No.16 of 2016, at the time when they were granted bail. Similarly one Gowri, whose name has been dropped in the final report, has also deposited a sum of Rs.3,66,000/- in Crime No.16 of 2016, at the time when she was granted bail. Even as per the joint memo of compromise, the defacto complainant does not have any objection in the petitioners and the said Gowri from withdrawing the said amount. In view of the same, the petitioners and the said Gowri are permitted to file a memo before the Court below along with the copy of this order and the Court below shall permit the petitioners and Gowri to withdraw the amount deposited in Crime No.16 of 2016 and the Court below shall not insist for no objection or the presence of the defacto complainant.

\*The Xerox copy of the Memo of Compromise enclosed

Sd/-  
Deputy Registrar

//True Copy//

Sub Assistant Registrar

vs

To

1.The Inspector of Police,  
District Crime Branch,  
Erode District, Erode.

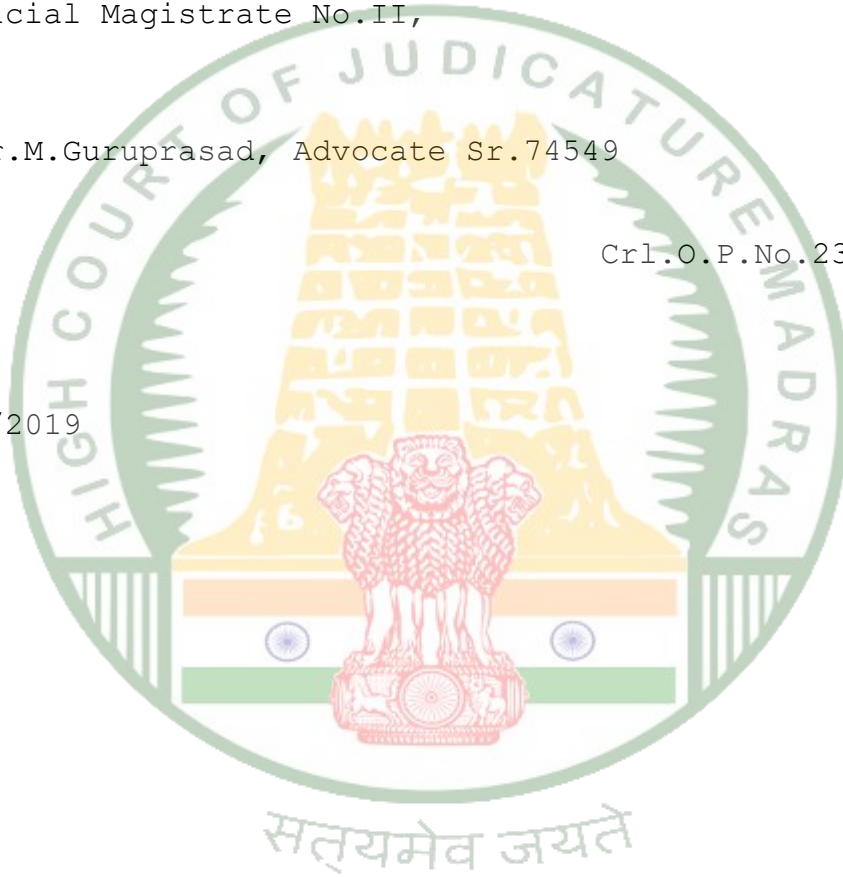
2.The Public Prosecutor,  
Madras High Court.

3.The Judicial Magistrate No.II,  
Erode.

+lcc to Mr.M.Guruprasad, Advocate Sr.74549

Crl.O.P.No.23214 of 2019

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srg 26/09/2019



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