

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 29.01.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.1902 of 2017 & 1875 of 2019
and
Crl.M.P.Nos.1371 & 1372 of 2017 and 1160 & 1161 of 2019

1. Thangam

2. Yasotha

.... Petitioners in Crl.O.P.No. 1902 of 2017

1. T.Sarathi @ Parthasarathy

.... Petitioner in
Crl.O.P.No. 1875 of 2019

-Vs-

1. The State Rep. by,
The Inspector of Police,
Pathrivedu Police Station,
Thiruvallur District.
(Crime No.43 of 2013)

2. V.Stella

.... Respondents in
both Crl.O.Ps

Prayer: Criminal Original petitions are filed under Section 482 of Cr.P.C, to call for the records pending on the file of the Learned Judicial Magistrate No.1, Ponneri, Thiruvallur District in P.R.C.No.25 of 2016 and quash the criminal proceedings.

For Petitioner : Mr.R.Rajan
in Crl.O.P.No. 1902 of 2017

Mr. E.Kannadasan
in Crl.O.P.No. 1875 of 2019

For R1 : Mr.Mohamed Riyaz
Additional Public Prosecutor
in both Crl.O.Ps

For R2 : Mr.D.Dayalal
in both Crl.O.Ps

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COMMON ORDER

The Criminal Original Petitions have been filed to quash the proceedings in P.R.C.No.25 of 2016, on the file of the Learned Judicial Magistrate No.1, Ponneri, Thiruvallur District, for an alleged offences under Sections 417, 376(i), 363 of IPC.

2. The 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. The affidavit of the 2nd respondent/Defacto complainant has been filed before this Court, dated 23.01.2019 which has been signed by the petitioner and the 2nd respondent and also by their respective counsel. In order to identify the respective parties they have also produced the copies of the Aadhaar Card are made part of the record. In the affidavit it has been stated that the petitioner and the second respondent had entered into a compromise and amicably settled their issues in P.R.C.No.25 of 2016. 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 Gujrath), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.43 of 2013.

5. These Criminal Original Petitions are allowed and as a sequel, the proceedings in P.R.C.No.25 of 2016, on the file of the Learned Judicial Magistrate No.1, Ponneri, Thiruvallur District, are quashed and the affidavit filed by the parties shall form part and parcel of this order. The Petitioner/T.Sarathi @ Parthasarathy in CrI.O.P.No. 1875 of 2019 shall pay a sum of Rs.5,000/- as costs, to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry), within a period of one week from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssr/kp

To

1. The Judicial Magistrate No.1,
Ponneri, Thiruvallur District.
 - 2.-do-Thro' The chief Judicial Magistrate,
Tiruvallor.
 3. The Inspector of Police,
Pathrivedu Police Station,
Thiruvallur District.
 4. The Public Prosecutor,
High Court, Madras.
- +1cc to Mr.E.Kannadasan, Advocate, S.R.No.7290

Crl.O.P.Nos.1902 of 2017
& 1875 of 2019
and
Crl.M.P.Nos.1371 & 1372 of 2017
and 1160 & 1161 of 2019

KS (CO)
GSP (26/02/2019)



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