

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2019

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Cr1.O.P.No.31532 of 2019

1.K.Jeevan
2.C.Tamilarasan
3.U.Sathya

...Petitioners/Accused A1 to A3

vs.

1.The State Rep. by,
The Inspector of Police,
T3-Korattur Police Station,
Ambattur.
(Crime No.274 of 2018)

2.P.Babu

...Respondents/Complainant & Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pursuant to the case in C.C.No.140 of 2018 on the file of Judicial Magistrate, Ambattur and quash the final report based upon compromise memo filed by allowing this Criminal Original Petition.

For Petitioners: Mr.A.Yousuff Imran

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

ORDER

This Criminal Original Petition has been filed by Accused Nos.1 to 3 to call for the entire records in C.C.No.140 of 2018 on the file of Judicial Magistrate, Ambattur and quash the final report based upon compromise memo filed by allowing this Criminal Original Petition.

2. The respondent has filed a charge sheet stating that the petitioners herein and one Sunil (A4) have committed offences punishable u/s.294(b), 324, 506(ii) IPC r/w. 34 IPC and based on the same the learned Judicial Magistrate has taken the case on file as C.C.No.140 of 2018.

3.The case is still in the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. A Compromise memo, dated 10.11.2019, has been filed before this Court which have been signed by the petitioners and the 2nd respondent/ defacto complainant and also by the counsel for the petitioners. The petitioners and the 2nd respondent are present in person before this Court. In order to identify the respective parties they have also produced the copies of the Aadhaar Card and they are made part of the record. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

5. Under such circumstances, no useful purpose will be served in keeping the case 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 Case in C.C.No.140 of 2018 on the file of the learned Judicial Magistrate, Ambattur against the petitioners herein/ A1 to A3 alone. The learned Judicial Magistrate, Ambattur shall proceed with the case as against A4.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.140 of 2018 on the file of the learned Judicial Magistrate, Ambattur, is hereby quashed as against the petitioners herein (A1 to A3 alone) and the terms of Compromise Memo shall form part and parcel of this order. The learned Judicial Magistrate, Ambattur shall proceed with the case as against A4.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
T3-Korattur Police Station,
Ambattur.

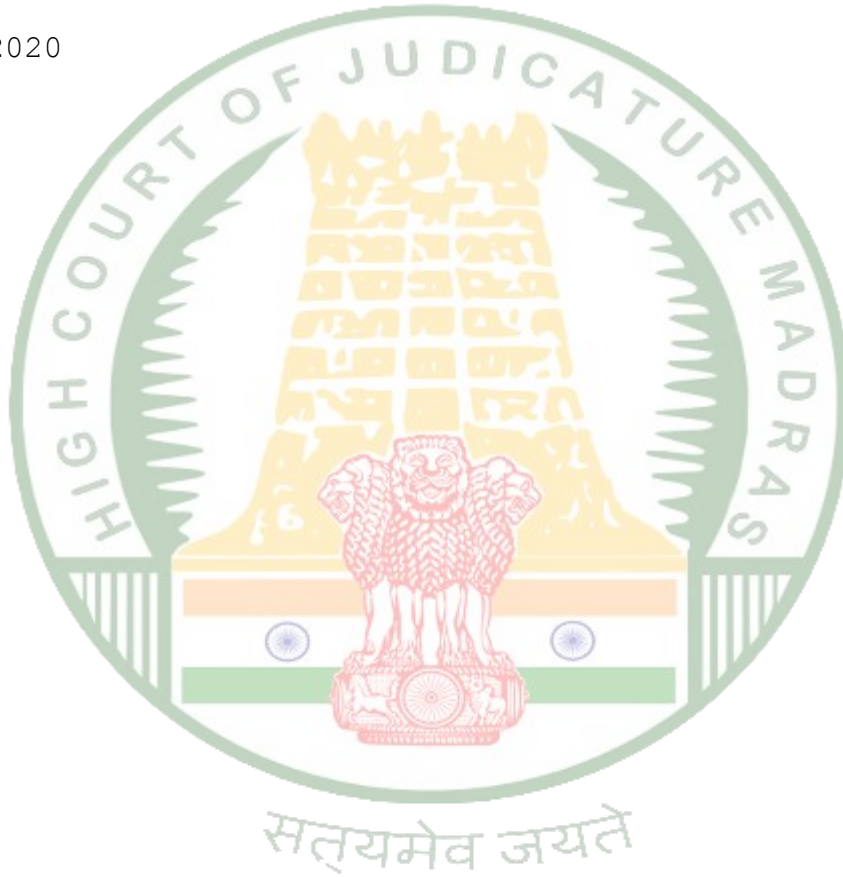
2. The Public Prosecutor,
High Court, Madras.

3. The Judicial Magistrate,
Ambattur.

+1cc to Mr.A.Raja Mohammed, Advocate sr.100644

Crl.O.P No.31532 of 2019

sr(co)
nr 23/01/2020



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