

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 27.11.2019
CORAM
THE HONOURABLE MR. JUSTICE M.S. RAMESH
Crl.O.P.No.32028 of 2019

1. D.M.John Walter @ Peppin

2. Raja @ Raj Kumar

...Petitioners

Vs

1. State rep. by its
The Sub-Inspector of Police,
R-1, Mambalam Police Station,
Chennai.

2. N.ElaiperumalRespondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records and quash the CR.No.863 of 2016 pending on the file of R-1, Mambalam Police Station, Chennai.

For Petitioners : Mr.S.Praveennath

For Respondents : Mr.C.Iyyapparaj
Additional Public Prosecutor
for R1

O R D E R

This Criminal Original Petition is filed to call for the records in CR.No.863 of 2016 pending on the file of R-1, Mambalam Police Station, Chennai and quash the same.

2. It is stated by the learned counsel for the petitioners that pending the criminal complaint against the petitioners herein, the parties have amicably resolved the disputes among themselves and have also filed a Joint Compromise Memo to that effect dated 21.11.2019.

3. The learned Additional Public Prosecutor would submit that since the accused are also implicated for the offence under Section 392, the compromise memo should not be considered, for the purpose of having the proceedings quashed.

4. Though in normal circumstances, whenever the offences are heinous in nature, this Court would be hesitant to have the proceedings quashed. Nevertheless, in view of the submission of the learned counsel for the petitioners that the parties have, after great difficulty, resolved the disputes and do not want to continue with an implication, this Court is inclined to exercise its extraordinary powers under Section 482 for the purpose of securing justice.

5. Both the de-facto complainant and the petitioners are present before this Court today. In order to identify the respective parties, they have also submitted the photo copies of their Aadhar Cards and the same has been made part of the record.

6. Recording the statements made in the Joint Compromise Memo dated 21.11.2019 the proceedings in Cr.No.863 of 2016, pending on the file of the 1st respondent herein, is quashed.

7. The Criminal Original Petition stands allowed accordingly.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Sub-Inspector of Police,
R-1, Mambalam Police Station,
Chennai.

2. The Public Prosecutor,
High Court of Madras.

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gp(co)
nr 06/01/2020