

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.30135 of 2018
and M.P.No.17713 of 2018

Nandakumar

... Petitioner

Vs.

1.State Rep. by
The Inspector of Police,
Central Crime Branch, Team-1,
Vepery, Chennai-600 007.

2.A.S.Shelvakumar ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in C.C.No.1984 of 2015 pending on the file of Additional Chief Metropolitan Magistrate (CCB & CBCID) Allikulam, Chennai and to quash the proceedings in C.C.No.1984 of 2015 pending on the file of Additional Chief Metropolitan Magistrate (CCB & CBCID) Allikulam, Chennai.

For Petitioner : Mr.ARL. Sundaresan
Senior Counsel for
M/s.A.L.Gandhimathi.

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

O R D E R

This Criminal Original Petition has been filed seeking to quash the entire proceedings in C.C.No.1984 of 2015 pending on the file of the Additional Chief Metropolitan Magistrate (CCB & CBCID), Allikulam, Chennai.

2. 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.

3. An affidavit has been filed by the 2nd respondent/Defacto complainant before this Court. The parties were also present before the Court and they were identified by the investigating officer and they have also produced the copies of the Aadhaar Card, which are 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 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 proceedings in C.C.No.1984 of 2015 on the file of the learned Additional Chief Metropolitan Magistrate (CCB & CBCID), Allikulam, Chennai, insofar as this petitioner viz., Nandakumar is concerned. The proceedings shall go on insofar as the other other accused persons are concerned.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.1984 of 2015, on the file of the learned Additional Chief Metropolitan Magistrate (CCB & CBCID), Allikulam, Chennai, is quashed insofar as this petitioner is concerned and the terms of affidavit shall form part and parcel of this order. The petitioner shall pay a sum of Rs.2000/- as costs, to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court, Madras), 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. Consequently, Connected miscellaneous petition is also closed.

Note:Photo copy of compliance of the affidavit enclosed herewith.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rm
To

- 1.The Inspector of Police,
Central Crime Branch, Team-1,
Vepery, Chennai-600 007.
- 2.The Additional Chief Metropolitan Magistrate,
(CCB & CBCID), Allikulam, Chennai.
3. The Public Prosecutor, High Court, Madras.
4. The Section Officer,
Criminal Section, High Court, Madras.

+1 cc to M/s.AL.Gandhimathi, Advocate, S.R.No.8832

SSD(CO)
SSM(28/02/2019).

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