

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.14689 of 2020

1. D.Kalaivani, F/aged 42
W/o. Premanand,
No.215 A, Kamakoti Nagar,
6th Street, Pallikaranai,
Chennai - 600 100.
2. D. Jayakumari F/Aged 62,
W/o. Dhanasekaran,
No.215 A, Kamakoti Nagar,
6th Street, Pallikaranai,
Chennai - 600 100.
3. D.Krishnaruban M/Aged 36,
S/o. Dhanasekaran,
No.215, Kamakoti Nagar,
6th Street, Pallikaranai,
Chennai - 600 100.
4. G.Premanand M/Aged 45,
S/o. B.S.Gopal,
No.215 A, Kamakoti Nagar,
6th Street, Pallikaranai,
Chennai - 600 100.

... Petitioners

सत्यमेव जयते .Vs.

1. State rep. by its
The Inspector of Police,
EDF Team - 2,
Central Crime Branch, Chennai.
2. M.Sabapathysivam M/Aged 66
S/o. V.S.Manian,
No.71, 4th Main Road,
Gandhi Nagar, Adyar,
Chennai - 20.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records filed in C.C.No.5916 of 2019 pending before the Special Metropolitan Magistrate for CCB and CBCID cases Chennai and to quash the same on the ground of Compromise.

For Petitioners : Mr. M.Soundar Vijay Arul Ram

For Respondents : Mr.S.Karthikeyan (for R1)
Additional Public Prosecutor.

O R D E R

The Criminal Original Petition has been filed to quash the proceedings in C.C.No.5916 of 2019 on the file of the Special Metropolitan Magistrate for CCB and CBCID cases Chennai, thereby taken cognizance for the offences punishable under Sections 408, 420 r/w.34 IPC as against the petitioners.

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. A Joint Affidavit of Compromise has been filed before this Court on 16.09.2020 which have been signed by the first petitioner and the second respondent and also by their respective counsel. All the parties are present and identified by their respective counsel. 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. 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 Guj Rath), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., is inclined to quash the proceedings in C.C.No.5916 of 2019 on the file of the Special Metropolitan Magistrate for CCB and CBCID cases Chennai.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.5916 of 2019 on the file of the Special Metropolitan Magistrate for CCB and CBCID cases Chennai is quashed and the terms of Joint Compromise Affidavit shall form part and parcel of this order. The petitioners shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) jointly 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 and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1. The Special Metropolitan Magistrate for CCB and CBCID cases, Chennai.
2. The Inspector of Police, EDF Team - 2, Central Crime Branch, Chennai.
3. The Public Prosecutor, High Court, Madras.

Copy to the Section Officer, Accounts Section, High Court, Madras.

CRL.O.P.No.14689 of 2020

bp (co)
rr ii (02/11/2020)

सत्यमेव जयते

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