

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CrI.O.P.No.19938 of 2019
and
CrI.M.P.No.10220 of 2019

M.Baskar

...Petitioner

-Vs-

K.J.Richard Martin

.... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in respect of the impugned private complaint in C.C.No.2982 of 2017 and now pending on the file of the Fast Track Metropolitan Magistrate Court No.IV, George Town at Chennai and quash the same.

For Petitioner : Mr.N.R.Elango, SC
for M/s.A.Thirumaran

For respondent : Mr.C.P.Sivamohan

ORDER

This Criminal Original Petition has been filed to call for the records in respect of the impugned private complaint in C.C.No.2982 of 2017 and now pending on the file of the Fast Track Metropolitan Magistrate Court No.IV, George Town at Chennai and quash the same.

2. The respondent/complainant has lodged a complaint against the petitioner in C.C.No.2982 of 2017 on the file of the Fast Track Metropolitan Magistrate Court No.IV, George Town at Chennai, for the offences under section 138 of the Negotiable Instruments Act.

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

4. A joint memo of Compromise, dated 04.02.2020, has been filed before this Court which has been signed by the petitioner and the respondent and also by their respective counsel. The petitioner and the respondent also present in person before this Court. 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.2982 of 2017 on the file of the Fast Track Metropolitan Magistrate Court No.IV, George Town at Chennai.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.2982 of 2017 on the file of the Fast Track Metropolitan Magistrate Court No.IV, George Town at Chennai, is hereby quashed and the terms of Memo of Compromise shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

***Herein enclose xerox copy of
Memo of Compromise**

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mfa
To

1. The Fast Track Metropolitan Magistrate No.IV,
Fast Track Metropolitan Magistrate Court No.IV,
George Town at Chennai.
- 2.The Public Prosecutor,
High Court, Madras.

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