

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.03.2021

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.21943 of 2013 & Crl.O.P.No.6554 of 2017
and
M.P.No.1 of 2013 & Crl.M.P.Nos.4805 & 4806 of 2017

1.V.Girija
D/o.Varatharajan

2.V.Nanthini
D/o.Varatharajan

3.V.Meena Radhika
D/o.Varatharajan

... Petitioners in Crl.OP.21934/2013

Chandrasekaran
S/o.Thirumurthy

... Petitioner in Crl.OP.6554/2017

Vs.

T.Chandrasekaran
S/o.Thirumoorthy

... Respondent in Crl.OP.21934/2013

1.State Rep. By Inspector of Police
B7, Ramanathapuram
Coimbatore 641 015

2.Selvi Meenaradhika

... Respondent in Crl.OP.6554/2017

Prayer in Crl.O.P.No.21934 of 2013: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code to call for the records relating to S.T.C.No.362 of 2009 pending on the file of the Judicial Magistrate VI, Coimbatore and quash the same.

Prayer in Crl.O.P.No.6554 of 2017: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code to call for the records relating to the complaint in C.C.No.791 of 2008 on the file of the Chief Judicial Magistrate-VI, Coimbatore and quash the same as far as the petitioner is concerned.

In Crl.OP.21943/2013

For Petitioners : Mrs.Kiruthika Gokulakrishnan
for M/s.C.K.Associates

For Respondent : Mr.I.Abrar Md.Abdullah

In Crl.OP.21943/2013

For Petitioner : Mr.I.Abrar Md.Abdullah

For Respondents: Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side) for R1

Mrs.Kiruthika Gokulakrishnan
for M/s.C.K.Associates for R2

O R D E R

(These cases have been heard through video conference)

Crl.O.P.No.21943/2013 has been filed seeking to call for the records relating to S.T.C.No.362 of 2009 pending on the file of the Judicial Magistrate VI, Coimbatore and quash the same.

2.Crl.O.P.No.6554 of 2017 has been filed seeking to call for the records relating to the complaint in C.C.No.791 of 2008 on the file of the Chief Judicial Magistrate-VI, Coimbatore and quash the same.

3.Brief facts of the case is that on the complaint given by one Selvi.Meena Radhika, a case in Crime No.487 of 2008 came to be registered against one Chandrasekaran (petitioner in Crl.O.P.No.6554 of 2017) for the offence u/s.75(1)(C) of TNCP Act and 323 & 506(ii) IPC. After completion of investigation, the 1st respondent, the Inspector of Police, B7, Ramanathapuram, Coimbatore filed a final report on 18.06.2008 and the case was taken cognizance in C.C.No.791 of 2008 and it is now pending trial on the file of the learned Judicial Magistrate No.VI, Coimbatore.

On the counter complaint given by one Chandrasekaran, a case in Crime No.492 of 2008 came to be registered against one V.Girija, V.Nanthini and V.Meena Radhika for the offence u/s.75

(1) (C) of TNCP Act and 323 IPC and the same was investigated and it was referred as mistake of fact, against which, the petitioner in Crl.O.P.No.6554 of 2017 viz T.Chandrasekaran has filed a private complaint u/s.200 Cr.P.C., which was taken in S.T.C.No.362 of 2009 and pending trial on the file of the learned Judicial Magistrate No.VI, Coimbatore.

The accused viz. Chandrasekaran in Crime No.487 of 2008 (C.C.No.791 of 2008) on the file of the learned Judicial Magistrate No.VI, Coimbatore had filed a petition in Crl.O.P.No.6554 of 2017 to quash the proceedings and the counter petitioners / accused viz. V.Girija, V.Nanthini and V.Meena Radhika had filed a petition in Crl.O.P.No.21943 of 2013 seeking to quash S.T.C.No.362 of 2009.

4.When the matter is taken up today, both the parties have filed a joint memo of compromise as extracted hereunder:

"Pending the present Criminal Original Petitions vide Crl.O.P.No.21943/2013 in STC.No.362/2009 and Crl.O.P.No.6554/2017 in Crime No.482 of 2008, the petitioners have resolved all their disputes and decided to give a quietus to all the disputes between them.

NOW THIS JOINT MEMO OF COMPROMISE WITNESSETH:

1.The 3rd petitioner Meena Rathika is the defacto complainant in C.C.No.791/2008 on the file of the Judicial Magistrate No.VI of Coimbatore for the offences under section 75(1) of TNCP Act and Section 323, 506(ii) IPC. The petitioner No.4, T.Chandrasekaran is the A1 in the said police case C.C.No.791/2008 in Crime No.482/2008.

2.The petitioner No.4 is the complainant in a private case S.T.C.No.362/2009 on the file of the Judicial Magistrate VI of Coimbatore, filed under Sections 75(1) (C) of TNCP Act and section 323 of I.P.C., against the petitioners 1 to 3.

3.In view of the settlement arrived between the parties, the said criminal proceedings are also agreed to be given a quietus in its entirety by filing Joint Compromise with separate affidavits of parties concern. All the petitioners herein have agreed that they will act as per the memorandum of compromise entered into between the petitioners herein.

4.The petitioner No.4 agreed to quash the S.T.C.No.362/2009 on the file of the Judicial Magistrate VI of Coimbatore. Similarly the 3rd petitioner agrees to

quash the charges levelled against the petitioner No.4 / accused No.1 in C.C.No.791 of 2008 on the file of the Judicial Magistrate VI of Coimbatore.

5.In view of the present compromise on the above stated terms all the petitioners will not have any mutual claim as against each other in the future regarding above said cases after the recording of the present compromise.

6.As aforesaid, the petitioners 1 to 3 and the petitioner No.4 have resolved all their disputes and they have no claims against each other at present and in future as well.

7.The petitioners are agreeable for passing orders in terms of this compromise memo.

5.All the parties are present through video conference and they have been identified by their respective counsels.

6.Learned counsel for the petitioners in both the petitions in Crl.O.P.No.21943 of 2013 and Crl.O.P.No.6554 of 2017 would submit that they have compromised the matter between themselves. The offences alleged are also compoundable in nature and they would pray that the compromise arrived between the parties to be recorded and the proceedings pending in C.C.No.791 of 2008 and the counter proceedings pending in S.T.C.No.362 of 2009 may be quashed.

7.Heard the counsels. Perused the materials placed on record including the Joint compromise Memo filed by the parties.

8.By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

9.Under such circumstances, no useful purpose will be served in keeping the proceedings in C.C.No.791 of 2008 and S.T.C.No.362 of 2009 pending. 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 Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in C.C.No.791 of 2008 and S.T.C.No.362 of 2009.

10.Accordingly, these Criminal Original Petitions stand allowed and as a sequel, the proceedings in C.C.No.791 of 2008, on the file of the learned Judicial Magistrate No.VI, Coimbatore and the proceedings in S.T.C.No.362 of 2009, on the file of the learned Judicial Magistrate No.VI, Coimbatore, are hereby quashed and the terms of joint compromise memo shall form part

and parcel of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

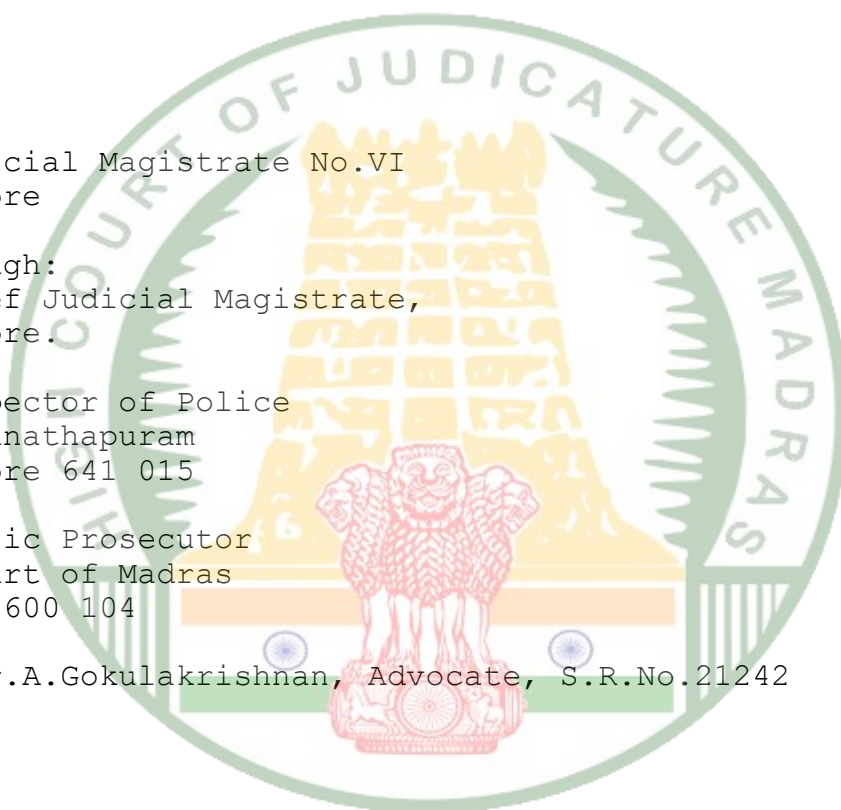
1.The Judicial Magistrate No.VI
Coimbatore

2.Do Through:
The Chief Judicial Magistrate,
Coimbatore.

3.The Inspector of Police
B7, Ramanathapuram
Coimbatore 641 015

4.The Public Prosecutor
High Court of Madras
Chennai 600 104

+1cc to Mr.A.Gokulakrishnan, Advocate, S.R.No.21242



सत्यमेव जयते

Cr1.O.P.No.21943 of 2013&
Cr1.O.P.No.6554 of 2017

PMK (CO)
KM(27/04/2021)

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