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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.09.2021

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

CRL.O.P.NO.17350 OF 2015

AND

M.P.NO.1 OF 2015

1.Ameer

2.G.Shiva

3.A.Shanmugham

4.R.Dhanapal

5.S.R.Chandran

6.V.Raman

7.Sabari Girison

8.K.K.Ravi

.. Petitioners/Respondents

..Vs..

P.Senthil Kumar

.. Respondent/Petitioner

Prayer:

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the private complaint filed under Section 200 of Cr.P.C., in C.C.No.3178 of 2014, pending before the learned XVII Metropolitan Magistrate, Saidapet.

For Petitioners .. Mr.C.Subramanian

For Respondent .. Mr.A.Aravindan
for M/s.Arul Selvam Associates

ORDER

Mr.C.Subramanian, learned Counsel for the petitioner is present. An affidavit has been presented by Mr.A.Aravindan, learned Counsel for the respondent/defacto complainant, who is also present through Video Conferencing.



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2. In the affidavit, the respondent had stated as follows:-

" 1. I am the respondent/complainant herein and I am well acquainted with the facts and circumstances of the case. I further submit that presently I am the Joint Secretary of Film Employees Federation of South India.

2. I submit that I had lodged private complaint under Section 200 of Cr.P.C., for offence under Section 500 of I.P.C. against the petitioners/accused before the learned XVII Metropolitan Magistrate Court, Saidapet, Chennai in C.C.No.3178 of 2014. I further submit that the petitioners/accused are the then officer bearers of the Film Employees Federation of South India.

3. I submit that the petitioners/accused had filed the petition to quash the private complaint in C.C.No.3178 of 2014 before this Hon'ble Court. I further submit that during the course of proceedings the well wishers had mediated between myself and the petitioners/accused.

4. I submit that the thereby inorder to buy peace and settle the issue amicably between myself and the petitioners/accused, I have no objection to allow this petition. I further submit that this Hon'ble Court, may be pleased to quash the complaint filed by me in C.C.No.3178 of 2014 pending on the file of the learned XVII Metropolitan Magistrate Court, Saidapet, Chennai."

3. Recording the said statements, I hold that keeping the present petition on the board of this Court and also the Calendar Case, namely C.C.No.3178 of 2014 on the file the learned XVII Metropolitan Magistrate Court, Saidapet, Chennai would only be protracting exercises in futility.

4. In view of the fact that the complainant had decided to settle all the issues, the possibility of conviction in the Calendar Case is very remote and continuation of the Calendar Case and calling upon the parties to undergo the ordeal of trial would only be an act of oppression.

5. I also draw inspiration from the judgment of the Hon'ble Supreme Court reported in 2017 (9) SCC 641, Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat, wherein it had been held that



if the parties had entered into a compromise, and if consequently the possibility of conviction is remote, the High Court can exercise its inherent power to quash the criminal proceedings.

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6. It must also be mentioned that a memo had also been filed by the respondent, enclosing his Aadhar Card, which has also been verified.

7. In view of the above reasons, the present Criminal Original Petition is allowed. C.C.No.3178 of 2014, pending on the file of the learned XVII Metropolitan Magistrate Court, Saidapet, Chennai is quashed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

grs

To

The XVII Metropolitan Magistrate Court,
Saidapet, Chennai.

Crl.O.P.No.17350
of 2015
and M.P.No.1 of 2015

SS(CO)
CS/20/10/2021