

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.1490 OF 2021

AND

CRL.M.P.NOS.879 & 881 OF 2021

1. T.K.Prasanna Venkatesh
S/o.T.R.Krishna Ram
2. P.Chitra
W/o.Prasanna Venkatesh

...Petitioners/A-1, A-2

Vs.

1. The State Rep. by the
Inspector of Police
Cyber Crime Branch
Egmore, Chennai - 600 008

2. S.Vijay

...Respondents/Complainant

Prayer:- Criminal Original Petition filed under Section 482 of Cr.P.C to call for the entire records in C.C.No.7100 of 2016 on the file of Chief Metropolitan Magistrate Court, Egmore, Chennai and quash the same against the petitioners.

For Petitioner : Mr.K.Mohanamurali

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1
Mr.S.Vijay (Party-in-person) R2

O R D E R

This Criminal Original Petition has been filed to call for the records in C.C.No.7100 of 2016 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai, and to quash the same.

2. The case is at the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. The 2nd respondent/de-facto complainant has filed an affidavit dated 01.02.2021, before this Court. The petitioners and the 2nd respondent/de-facto complainant, were present before this Court. They were identified by Mr.Jayanthan, Head Constable, Cyber Crime Branch, Egmore, Chennai, who was also present. In order to identify the respective parties they have also produced the copies of the Aadhaar Card and it is made part of the record. In the affidavit, it has been stated that the 2nd respondent/de-facto complainant and the petitioners, have entered into a compromise and amicably settled their issues in Crime No.488 of 2011. 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 proceedings 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 Gujrath), and after exercising due caution as advised by the Hon'ble Supreme Court in The State of Madhya Pradesh v. Dhruv Gurjar and Another reported in (2019) 2 MLJ Cr1 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the final report filed in C.C.No.7100 of 2016, on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai.

5. This Criminal Original Petition stands allowed and as a sequel, the entire proceedings in C.C.No.7100 of 2016, pending on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai, is hereby quashed and the terms of affidavit shall form part and parcel of this order. The petitioners shall pay a sum of Rs.1500/-(Rupees One Thousand only) each, as costs to the credit of the President, Tamil Nadu Advocates Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157), 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.

* Xerox copy of Affidavit of S.Vijay,
dated 01.02.2021 enclosed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To:

1. The Chief Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police
Cyber Crime Branch
Egmore, Chennai - 600 008
3. The Public Prosecutor,
High Court, Madras.
4. The President,
TN Advocate Clerk Association,
Madras High Court, Chennai.

+1cc to Mr.K.Mohanamurali, Advocate, S.R.No.8227

Crl.O.P.No.1490 of 2021

AAB(CO)
CS/16/03/2021