



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.09.2021

CORAM

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

Cr1.O.P.No.6779 of 2015

and M.P.No.1 of 2015

P.Balamurugan .. Petitioner/Accused-1

Vs.

1.State rep. by

The Inspector of Police,
W-35, All Womens Police Station,
Tambaram,
Chennai-600045.

.. Respondent/Complainant

2.B.Revathy

..Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to C.C.No.873 of 2014, on the file of the Judicial Magistrate Court, Tambaram, Chennai and quash the same.

For Petitioner .. Mr.S.Vijay

For R1 .. Mr.E.Raj Thilak
Additional Public Prosecutor

For R2 .. No Appearance

ORDER

Both the defacto complainant and the accused have presented themselves through Video Conferencing. They asserted that they are living together.

2. An affidavit has also been filed by the defacto complainant, B.Revathy and also by the accused, P.Balamurugan. They have also enclosed their Aadhar Cards and also a photograph. For all practical purposes, nothing further survives, with respect to the complaint given by the defacto complaint, as against the accused.



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3. I take 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 is held that_____

"Para No.9 - The High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice;"

4. In view of the compromise entered into between the disputants, the possibility of conviction is remote and continuation of criminal proceedings would only cause oppression and prejudice.

5. I find every reason to allow the present petition and quash C.C.No.873 of 2014, pending on the file of the learned Judicial Magistrate Court, Tambaram, Chennai. The assistance given by Mr.S.Vijay, learned Counsel for the petitioner and by Mr.E.Raj Thilak, learned Additional Public Prosecutor, in this regard, are deeply appreciated.

6. With the above said observation, the present Criminal Original Petition is allowed. C.C.No.873 of 2014, pending on the file of the learned Judicial Magistrate Court, Tambaram, Chennai is quashed. Consequently, the connected miscellaneous petition is closed.

grs

-Sd/-
Assistant Registrar

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Sub-Assistant Registrar

To

1.The Judicial Magistrate,
Tambaram,
Chennai.

2.The Inspector of Police,
W-35, All Womens Police Station,
Tambaram,
Chennai-600045.



3. The Public prosecutor,
High court,
Madras.

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PL (CO)
GS (20/10/2021)