

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.2576 of 2021

1. Arul Prasad
2. Ponninathan
3. Vijaya Prasad

.. Petitioners

Vs.

1. State represented by
Inspector of Police,
B-4, Sevvapet Police Station,
Thiruvallur District
(Crime No.319 of 2008)

2. Mr.Megaraj

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records relating to the Charge Sheet in C.C.No.169 of 2009 on the file of the learned Judicial Magistrate No.II, Thiruvallur District and quash the same.

For Petitioner : Mr.D.Bennington

For Respondent No.1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For Respondent No.2 : Mr.D.Deepak Rajan

ORDER

The Criminal Original Petition has been filed to call for the records pertaining to the proceedings in C.C.No.169 of 2009, pending on the file of Judicial Magistrate No.II, Thiruvallur District and quash the same.

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

3. The joint memo of compromise dated 01.02.2021 has been filed by the 2nd respondent/de-facto complainant before this Court. The petitioners and the second respondent were also present through Video conferencing and they were identified by Mr.G.Babu, Special Sub Inspector of Police, B-4, Sevvapet Police Station, Thiruvallur District. In the Memo, it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in C.C.No.169 of 2009. 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 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)**, 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 Crl 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in C.C.No.169 of 2009, pending on the file of Judicial Magistrate No.II, Thiruvallur District.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.169 of 2009, pending on the file of Judicial Magistrate No.II, Thiruvallur District, Thiruvallur, is quashed and the terms of Memo shall form part and parcel of this order. The petitioners shall pay a sum of Rs.2500/- (Rupees Two Thousand five hundred only) 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.

19.02.2021

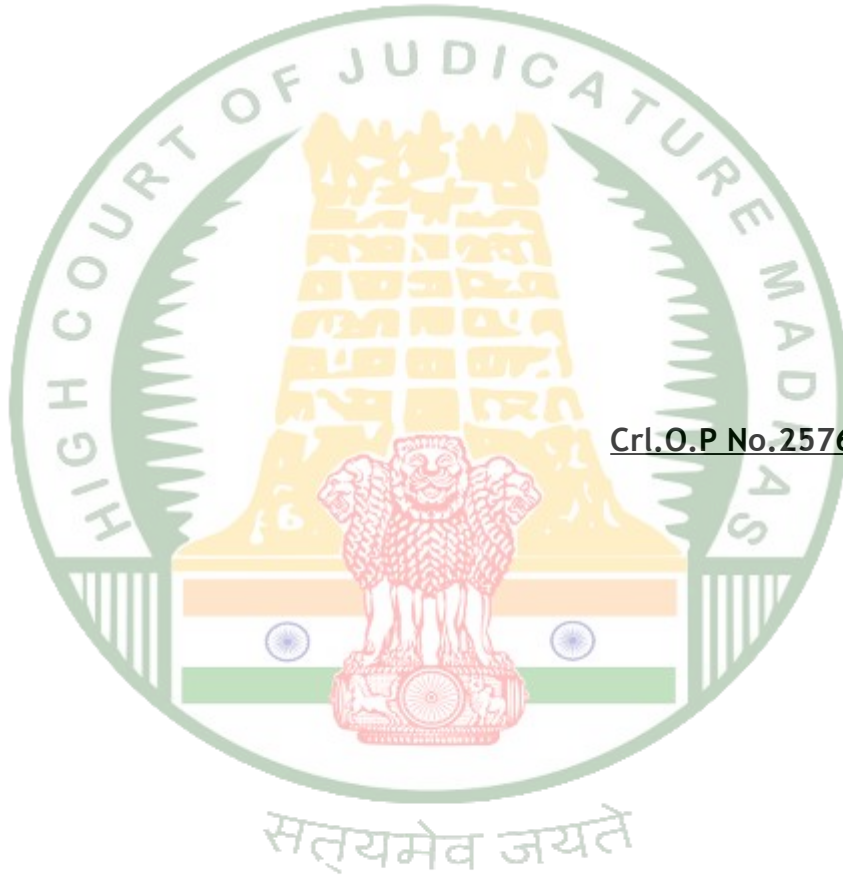
Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

1. The Inspector of Police,
B-4, Sevvapet Police Station,
Thiruvallur District
2. The Public Prosecutor,
Puducherry.



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