

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.3462 of 2021
and Crl MP No.2012 of 2021

1. Ramesh Metha
2. Siva Metha
3. Sarath Raj Madhan

.. Petitioners/
Accused 1 to 3

Vs.

1. The State Rep. By
The Inspector of Police,
R-5, Virugambakkam Police Station,
Virugambakkam, Chennai 92

..1st respondent/ Complainant

2. L.Viswanathan

.. 2nd Respondent/Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records in C.C.No.26 of 2021 pending on the file of the XXIII Metropolitan Magistrate Court, Saidapet, Chennai 15.

For Petitioner : Mr.Geeta Ramaseshan

For Respondent No.1 : Mr.C.Raghavan

Government Advocate

M/s.M.R.Sangeetha for R2

ORDER

The Criminal Original Petition has been filed to call for the records

pertaining to the proceedings in C.C.No.26 of 2021, pending on the file of XXIII Metropolitan Magistrate Court, Saidapet and quash the same.

2. The case is still 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 joint Memorandum of compromise dated 15.02.2021 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 Mrs.Bharathi, Sub-Inspector of Police, R-5, Virugambakkam Police Station, Virugambakkam, Chennai 92 . In the joint 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.26 of 2021. 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 Suprme 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.26 of 2021, pending on the file of learned XXIII Metropolitan Magistrate Court, Saidapet.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.26 of 2021, pending on the file of learned XXIII Metropolitan Magistrate Court, Saidapet, is quashed and the terms of Memo shall form part and parcel of this order. *The petitioners shall pay a sum of Rs.5000/- (Rupees five thousand only) each as costs, to the credit of 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.* Consequently, the connected miscellaneous petition is closed.

24.03.2021

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

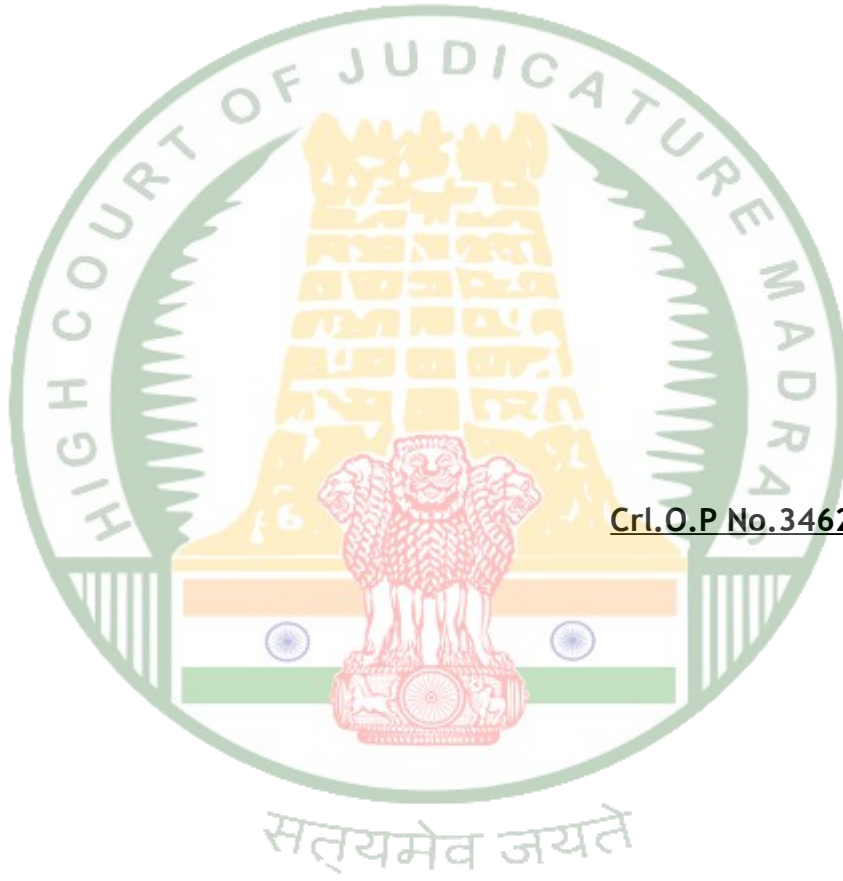
To

1. The State Rep. By
The Inspector of Police,
R-5, Virugambakkam Police Station,
Virugambakkam, Chennai 92
2. The Assistant Public Prosecutor,
High Court, Madras



WEB COPY

N. ANAND VENKATESH, J.
rka



Crl.O.P No.3462 of 2021

WEB COPY **24.03.2021**