

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.3959 OF 2021

AND

CRL.MP.NO.2381 OF 2021

Mr.Mahesraj

.. Petitioner

Vs.

1. Assistant Commissioner of Police,
B-14, Kuniyamuthur Police Station,
Coimbatore District.

..1st respondent/ Complainant

2. Soundarya

.. 2nd Respondent/Defacto complainant

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records in Special S.C.No.22 of 2019 on the file of the learned Principal District and sessions Court, Coimbatore and quash the final report against the petitioners herein.

For Petitioner : Mr.A.Saranraj

For Respondent No.1 : Mr.C.Raghavan
Government Advocate

ORDER

The Criminal Original Petition has been filed to call for the records pertaining to the proceedings in S.C.No.22 of 2019, pending on the file of Principal District and sessions Court, Coimbatore 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 compromise affidavit dated 04.01.2021 has been filed by the 2nd respondent/de-facto complainant before this Court. The petitioner and the second respondent were also present through Video conferencing and they were identified by Mr.Saravanan, Head Constable, B-14, Kuniyamuthur Police Station, Coimbatore District. In the Affidavit, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in S.C.No.22 of 2019. 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 CrI 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in S.C.No.22 of 2019, pending on the file of learned Principal District and sessions Court, Coimbatore.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.22 of 2019, pending on the file of learned Principal District and sessions Court, Coimbatore, is quashed and the terms of Memo shall form part and parcel of this order. Consequently, the connected miscellaneous petition is closed.

* Xerox copy of Memo of Compromise Affidavit, dated 04.01.2021 enclosed.

Sd/-

सत्यमेव जयते Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal District and Sessions Judge, Coimbatore.

2. Assistant Commissioner of Police,
B-14, Kuniyamuthur Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.3959 of 2021

GPL (CO)
CS/08/04/2021



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