



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.OP.No.4439 of 2021

and

Crl.MP.Nos.2833 of 2021

1.Mr.K.Sathish

...Petitioner

.Vs.

1.State rep.by

Inspector of Police,
Siva Kanchi Police Station,
Kanchipuram District.
(Crime No.2 of 2017)

..1st Respondent/
Complainant

2.Mr.Sivaprakash

.. 2nd Respondent/
De facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in PRC No.28 of 2017, on the file of the learned Judicial Magistrate No.I, Kancheepuram pending disposal of the above quash petition.

For Petitioners : Mr.A.Saranraj

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R 1

ORDER

This Criminal Original Petition has been filed to quash the proceedings in PRC No.28 of 2017, on the file of the learned Judicial Magistrate No.I, Kancheepuram.

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 victim viz. Mr.Manimaran, who was injured in the incident, was present before this Court. He stated that the petitioner is well known to him and he is not involved in the present case and he has nothing to do with the alleged offence.

4. Compromise Affidavit dt.24.02.2021, has been filed by the de facto complainant and the victim. The de facto



complainant and the victim were also present in person before this Court and they were identified by Mr.Sivakumar, Inspector of Police, Kancheepuram District. 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. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. 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 Gujrat), 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., quash the proceedings in PRC No.28 of 2017, on the file of the learned Judicial Magistrate No.I, Kancheepuram, only insofar as this petitioner is concerned. The learned Judicial Magistrate No.I, Kancheepuram, is directed to commit the proceedings in PRC No.28 of 2017, as against the other accused persons within a period of six weeks from the date of receipt of a copy of this order. The trial shall be completed on a day to day basis, within a period of three months from the date of framing of the charges.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in PRC No.28 of 2017, on the file of the learned Judicial Magistrate No.I, Kancheepuram, are quashed only insofar as this petitioner is concerned and the terms of Joint Compromise Memo shall form part and parcel of this order. The petitioner shall pay a sum of Rs.1,000/- (Rupees one thousand 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.

This Criminal Original Petition is accordingly allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

ENCL: Xerox Copy of Compromise of Affidavit



To

1. Inspector of Police,
Siva Kanchi Police Station,
Kanchipuram District.

2. Judicial Magistrate No.I,
Kancheepuram.

3. The Public Prosecutor,
High Court, Madras.

Copy To

The President,
Tamilnadu Advocates Clerks Association,
Madras High Court, Chennai.

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GPL(CO)
GN(23/07/2021)