

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.4181 of 2021
and Crl.M.P Nos.2630 & 2631 of 2021

Syed Fagrudeen

.. Petitioner

vs.

1. The State of Tamil Nadu,
Rep. by the Deputy Superintendent of Police,
Dharampuram Division,
Tiruppur District.
2. The Inspector of Police,
Dharampuram Police Station,
Tiruppur District.
3. Thiru P.Dhanapal,
S/o.Pattani Pitchaimuthu

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to quash Spl.S.C.No.11 of 2020 on the file of the learned Principal District and Sessions Judge, Tirupur.

For Petitioner : Mr.S.Selvathirumurugan
For Respondents : Mr.C.Raghavan
Government Advocate for R1

ORDER

The Criminal Original Petition has been filed to quash the proceedings in Spl.S.C.No.11 of 2020, pending on the file of the 1st respondent.

2. The case is still at the stage of trial in Spl.S.C.No.11 of 2020 on the file of the learned Principal District and Sessions Judge, Tirupur. The parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. The Memo of Compromise dated 07.12.2020 has been filed by the petitioner and the 3rd respondent/de-facto complainant before this Court. The petitioner and the third respondent were also present through Video conferencing and they were identified by Mr.Mahendiran, Inspector, Dharapuram Police Station, Tiruppur District, who was also present at the time of hearing through Video conferencing. 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. In the affidavit it has been stated that the petitioners and the second respondent have entered into a Joint Compromise Memo and amicably settled their issues in S.C.No.11 of 2020. 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, 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. quashes the proceedings in S.C.No.11 of 2020 pending on the file of the Principal District and Sessions Judge, Tiruppur.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.11 of 2020 pending on the file of the Principal District and Sessions Judge, Tiruppur, is hereby quashed against the petitioner herein and the terms of affidavit shall form part and parcel of this order. [The petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) as costs, forthwith, 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]. Consequently, the connected Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

KAL

To

1. The Principal District and Sessions Judge,
Tirupur.
2. The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
3. The Public Prosecutor,
High Court, Madras.
4. The President,
Tamil Nadu Advocates Clerk Association,
Madras High Court, Chennai.
5. The Deputy Superintendent of Police,
Dharapuram Division,
Tiruppur District.

+2cc to Mr.Selva Thirumurugan, Advocate, S.R.No.20394

Crl.O.P No.4181 of 2021
and Crl.M.P Nos.2630 & 2631 of 2021

PL(CO)
TE(27/04/2021)

Encl : Xerox Copy of Compromise Memo

सत्यमेव जयते

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