



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2021
CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.5319 OF 2021
AND
CRL.M.P.NO.3406 OF 2021

1. Kalaivanan,
S/o.Chinnadurai

2. Suriya,
S/o.Ravi

.. Petitioners/
Accused 3 & 4

vs.

1. The Inspector of Police,
D-5, Marina Police Station,
Chennai-600 004.
(Crime No.230/2018)

.. 1st Respondent/Complainant

2. Selvam, S/o.Balu

.. 2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the S.C.No.241 of 2019 pending on the file of the Learned VI Additional Sessions Judge, Chennai.

For Petitioner : Mr.C.Mohana Krishnan
For Respondents: Mr.C.Raghavan
Government Advocate for R1

ORDER

The Criminal Original Petition has been filed to quash the proceedings in S.C.No.241 of 2019, pending on the file of the 1st respondent.

2. The case is still at the stage of trial in S.C.No.203 of 2020 on the file of the learned VI Additional Sessions Judge, Chennai. The parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. The Joint Memo of Compromise dated 29.03.2021 has been filed by the petitioners and 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.P.Vasanthi, Police Constable, D-5, Marina Police Station, Chennai, 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.241 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, 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 Cr1 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in S.C.No.241 of 2019 pending on the file of the VI Additional Sessions Judge, Chennai in Crime No.230 of 2016 on the file of the 1st respondent.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.241 of 2019 pending on the file of the VI Additional Sessions Judge, Chennai, is quashed insofar as the petitioners herein are concerned and the proceedings shall continue insofar as A1 and A2 are concerned and the terms of affidavit shall form part and parcel of this order. [The petitioners shall pay a sum of Rs.2,500/- each (Rupees Two 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 Petition is also closed.

* Xerox copy of the Joint Memo of Compromise,
dated 29.03.2021 enclosed

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar



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To

1. VI-th Additional Sessions Judge,
Chennai.
2. The Inspector of Police,
D-5, Marina Police Station,
Chennai-600 004.
3. The Public Prosecutor,
High Court, Madras.
4. The President,
Tamil Nadu Advocates Clerk Association,
Madras High Court,
Chennai.

Copy To
The Section Officer,
Criminal Section,
High Court, Madras-104.

+2cc to Mr.G.Mohana Krishnan, Advocate, S.R.No.20334

Crl.O.P No.5319 of 2021
and Crl.M.P No.3406 of 2021

SMI (CO)
CS/19/08/2021