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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2021

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.5707 of 2021

1.Muniyan, S/o.Mari
2.Masthan, S/o.Mari
3.Sarathkumar, S/o.Thirumal
4.Premkumar, S/o.Thirumal
5.Ramachandran, S/o.Thirumal
6.Surya, S/o.Ravikumar
7.Sabarinathan, S/o.Arumugam
8.Gomathi, W/o.Munian
9.Adisaya, W/o.Nagaraj K ..Petitioners

vs.

1. The State Represented by
The Inspector of Police,
D1 Triplicane Police Station,
Chennai
***(Crime No.195/2018)**

2. Rajesh, S/o.Chandra ..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.678/2019 on the file of XIII M.M.Egmore, Chennai and quash the same.

For Petitioner : Mr.E.Viswanathan

For Respondents : Mr.C.Raghavan
Government Advocate for R1

ORDER

The Criminal Original Petition has been filed to quash the proceedings in C.C.No. No.678 of 2019, pending on the file of XIII Metropolitan Magistrate, Egmore, Chennai.



2. The case is still at the stage of trial in C.C.No.678 of 2019 pending on the file of the XIII Metropolitan Magistrate, Egmore, Chennai. The parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

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3. The Compromise Affidavit dated 21.01.2021 has been filed 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 Mr.E.Arulmani, Sub Inspector of Police (Law and Order), D1, Triplicane 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 petitioner and the second respondent have entered into a compromise and amicably settled their issues in C.C.No.678 of 2019 on the file of the II Metropolitan Magistrate Court, Egmore, Chennai in ***Crime No.195 of 2018**. 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 Cr1 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in C.C.No.678 of 2019 pending on the file of the XIII Metropolitan Magistrate Court, Egmore, Chennai in ***Crime No.195 of 2018** pending on the file of the 1st respondent.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.678 of 2019 pending on the file of the XIII Metropolitan Magistrate Court, Egmore, Chennai in FIR in ***Crime No.195 of 2018** pending on the file of the 1st respondent Police, is quashed and the terms of affidavit shall form part and parcel of this order. The petitioners shall pay a sum of Rs.5,000/- (Rupees Five 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.

*(Herein enclosed the Xerox Copy of Affidavit filed by the Second Respondent)

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Sd/-

Assistant Registrar(CCC)

Dated : 28.04.2021

**** Amended as per order of
this Court dated.26.10.2021
made in CrI.MP.No.10824/21
in CrI.OP.No.5707/21**

Sd/-

Assistant Registrar(CCC)

Dated : 17.11.2021

//True Copy//

Sub Assistant Registrar

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To

1. The XIII Metropolitan Magistrate,
Egmore, Chennai
2. The Inspector of Police,
D1 Triplicane Police Station,
Chennai
3. The Public Prosecutor,
High Court, Madras.
4. The President,
Tamilnadu Advocates Clerk Association
Madras High Court, Chennai

**to be substituted
the order already
despatched on
28.09.2021**

+3CCs to Mr.E.viswanathan, Advocate, Sr.No.21224/21

+1CC to M/s.G.Saranya, Advocate, Sr.No.55268 (24.11.2021)

CrI.O.P No.5707 of 2021

SMI (CO)

K.RK. (27.09.2021)

K.RK. (17.11.2021)