



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2021

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Cr1.O.P No.7191 of 2021

Thennavan Asaithambi

... Petitioner

vs.

1. The State represented by
The Inspector of Police,
Cyber Crime Cell,
Central Crime Branch,
Chennai - 600 007.
(Crime No.274/2013 dated 13.07.2013)

2. M/s. Photon Infotech Private Limited,
Rep. by Mr.Sanjiv C. Lochan,
S/o. Mr.S.G.Chellapa,
Authorised Signatory,
No.7, VII Cross Street,
Adyar, Chennai - 600 020.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.3816 of 2016 on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioner : Mr.J.Suresh

For R1 : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

For R2 : Mr.Ganesh Rajan

O R D E R

The Criminal Original Petition has been filed to call for the records in C.C.No.3816 of 2016 on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai 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 compromised the dispute amicably among themselves.



3.The copy of the joint compromise memo dated 24.03.2021 entered between the petitioner and the second respondent has been filed before this Court along with the typed set of papers. The petitioner and the second respondent were also present through Video conferencing. In the said agreement of compromise, 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.3816 of 2016. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The dispute between them is purely personal in nature, arose due to emotional break down. Now both the petitioner and the defacto complainant resolved the issue, decided to post ways proceed on their own, as per their wish the compromise conditions complied with.

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 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 case in C.C.No.3816 of 2016, pending on the file of IX Metropolitan Magistrate, Saidapet, Chennai.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.3816 of 2016, pending on the file of IX Metropolitan Magistrate, Saidapet, Chennai is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. [The petitioners shall pay a sum of Rs.1000/- (Rupees One Thousand only each) as costs, to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry)], 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].

*Xerox copy of Joint Memo of Compromise dated 13.02.2021 enclosed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The IX Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
Cyber Crime Cell,
Central Crime Branch,
Chennai - 600 007.
3. The Public Prosecutor,
High Court,
Madras.
4. The Sub Assistant Registrar,
Accounts Section,
High Court, Madras.

Copy To

The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Mr.Ganeshrajan, Advocate, S.R.No.25724

Crl.O.P No.7191 of 2021

LN(CO)
PM(30/07/2021)