

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.5719 of 2021

1.Soundaram

2.Palanisamy

3.M.Kailasam

4.M.Natarajan

5.V.Velusamy ... Petitioners/Accused No.2 to 6

vs.

1. The State Represented by
The Inspector of Police,
Sivagiri Police Station,
Erode District.1st Respondent/Complainant
(Crime No.133 of 2007)

2. Uma Maheswari2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to CC.No.04 of 2009 on the file of the learned District Munsif cum Judicial Magistrate, Kodumudi and quash the same by allowing this criminal original petition.

For Petitioners: Mr.R.Sathish Kumar

For Respondents: Mr.M.Mohammed Riyaz
Additional Public Prosecutor for R1
Mr.Guruprasad for R2

ORDER

The Criminal Original Petition has been filed to call for the records pertaining to CC.No.04 of 2009 on the file of the learned District Munsif cum Judicial Magistrate, Kodumudi and quash the same by allowing this criminal original petition.

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. A Joint Memo of Compromise dated 11.03.2021 has been filed before this Court which have been signed by the petitioners and the respondent and also by their respective counsel. The petitioners and the second respondent were also present and they were identified by Mr.Kuppusamy, Head Constable, Sivagiri Police Station, Erode District. In the affidavit it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in CC.No.04 of 2009. 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 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 CC.No.04 of 2009, pending on the file of the learned District Munsif cum Judicial Magistrate, Kodumudi.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in CC.No.04 of 2009, pending on the file of the learned District Munsif cum Judicial Magistrate, Kodumudi, is quashed and the terms of compromise shall form part and parcel of this order. The petitioners shall pay a sum of Rs.2500/- (Rupees Two Thousand Five Hundred 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. Consequently, connected miscellaneous petitions are closed.

*The Xerox Copy of the Memo of Compromise enclosed

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssr
To

1. The District Munsif cum Judicial Magistrate,
Kodumudi.
2. The Inspector of Police,
Sivagiri Police Station,
Erode District.
3. The Public Prosecutor,
High Court, Madras.

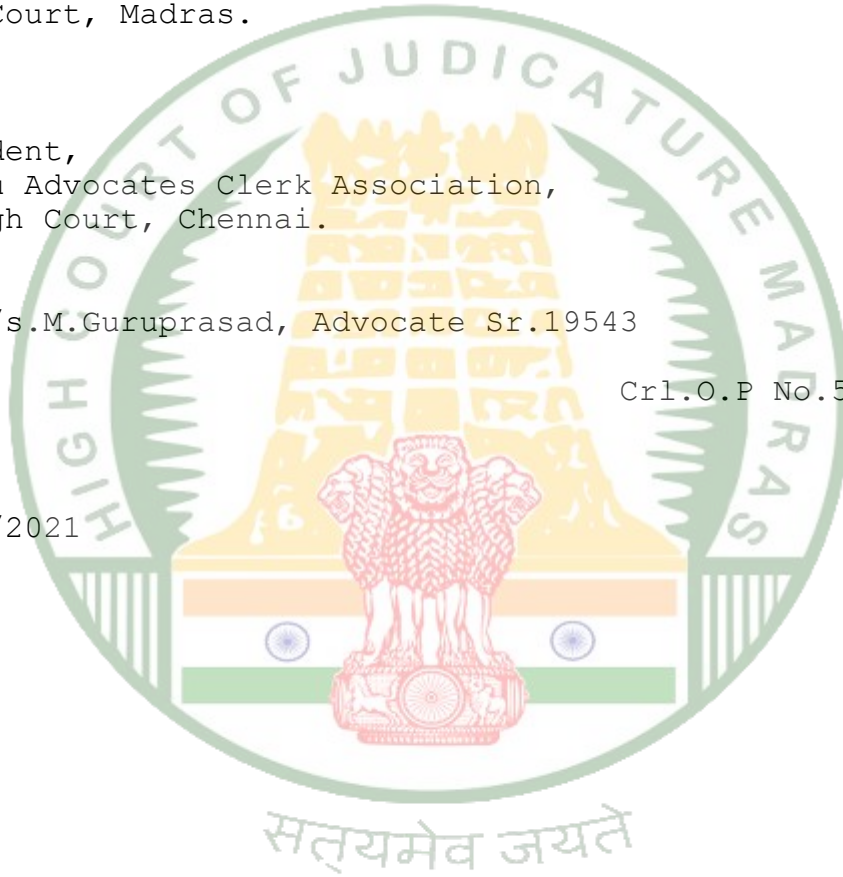
Copy to

The President,
Tamil Nadu Advocates Clerk Association,
Madras High Court, Chennai.

+2cc to M/s.M.Guruprasad, Advocate Sr.19543

Cr1.O.P No.5719 of 2021

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srg 18/06/2021



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