

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2021

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P No.7177 of 2021
and CrI.M.P.Nos.4775 & 4776 of 2021

1.M.K.Jamal Mohammed

2.Balamurugan

3.K.Iyappan

4.G.Muniraja

... Petitioners

vs.

1.State represented by
The Inspector of Police,
N-3, Muthialpet Police Station,
Chennai.
(Crime No.545/2013)

2.A.Parveen

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.1670 of 2019 on the file of the learned XVI Metropolitan Magistrate, George Town, Chennai and quash the same.

For Petitioner : Mr.S.Suresh

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

For R2 : Mr.D.Prasanna

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O R D E R

The Criminal Original Petition has been filed to call for the records in C.C.No.1670 of 2019 on the file of the learned XVI Metropolitan Magistrate, George Town, 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 second respondent filed an affidavit dated 22.03.2021 stating that the entire issue between the second respondent and the petitioners in the quash petition has been amicably settled between them and he is not interested in pursuing on his complaint. The petitioners and the second respondent were also present through Video conferencing. 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 petitioners 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.1670 of 2019, pending on the file of Mahila Court, Chengalpattu.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.1670 of 2019, pending on the file of XVI Metropolitan Magistrate, George Town, Chennai is quashed and the terms of the affidavit filed by the second respondent 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]. Consequently, the connected Miscellaneous Petitions are closed.

(Xerox copy of the Affidavit of Mr. M. Parveen dated 22.5.2021 is enclosed herewith)

ah

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The XVI Metropolitan Magistrate,
George Town, Chennai.

2.The Inspector of Police,
Inspector of Police,
N-3, Muthialpet Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

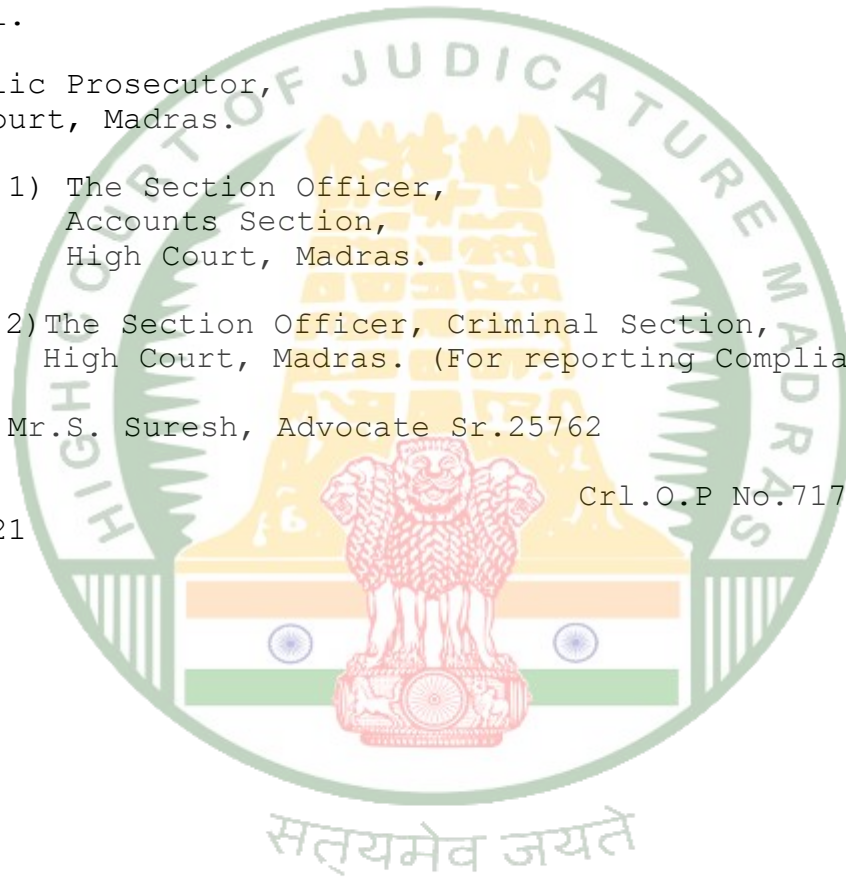
Copy to: 1) The Section Officer,
Accounts Section,
High Court, Madras.

2)The Section Officer, Criminal Section,
High Court, Madras. (For reporting Compliance)

+ 1 cc to Mr.S. Suresh, Advocate Sr.25762

EU 8.6.2021

Cr1.O.P No.7177 of 2021



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