

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P. No.6964 of 2021
and
Crl.MP.No.4611 & 4612 of 2021

K.Parthasarathi ... Petitioner

Versus

1.State rep.by
The Inspector of Police,
S-9, Palavanthangal Police Station,
Chennai - 114.

2.E.Vijayakumar ... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings in C.C.No.138 of 2021 on the file of the learned Judicial Magistrate No.I, Alandur as regards the petitioner/A1.

For Petitioner : Mr.K.Ravi Anantha Padmanaban

For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor
(for R1)
Mr.M.Manimaran for R2

ORDER

The Criminal Original Petition has been filed to call for the records in C.C.No.138 of 2021 on the file of the learned Judicial Magistrate No.I, Alandur as regards the petitioner/A1 and quash the proceedings.

2.Today, the learned counsel for the defacto complainant is present along with the defacto complainant through video conference before this Court. The defacto complainant submitted that he has been paid a sum of Rs.3 Lakhs by way of Demand draft by the petitioner and the other accused and the same has been accepted by the defacto complainant. The petitioner is also present before this Court through video conference. This Court has also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. This court finds that the trial in the case with regard to the petitioner as well as the other accused are inseparable and identical. Now, it is seen that it is an

accidental death and the issue has been now compromised. With the benefit ensured to the other accused the case against the petitioner and both accused in C.C.No.138 of 2021, pending before the Judicial Magistrate No.I, Alandur, is liable to be quashed.

3.The second respondent filed a Joint Compromise Memo dated 15.04.2021 stating that the entire issue between the second respondent and the accused in the Criminal Case has been amicably settled between them and he is not interested in pursuing his complaint. 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 part ways to 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, though the offences alleged are 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.138 of 2021, pending on the file of learned Judicial Magistrate No.I, Alandur.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.138 of 2021, pending on the file of learned Judicial Magistrate No.1, Alandur is quashed and the terms of the compromise memo filed by the petitioner and 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 Memo Compromise enclosed

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

klt

To

1.The Judicial Magistrate, No.I, Alandur.

2. The Inspector of Police,
S-9, Palavanthangal Police Station,
Chennai - 114.

3.The Public Prosecutor,
High Court, Madras.

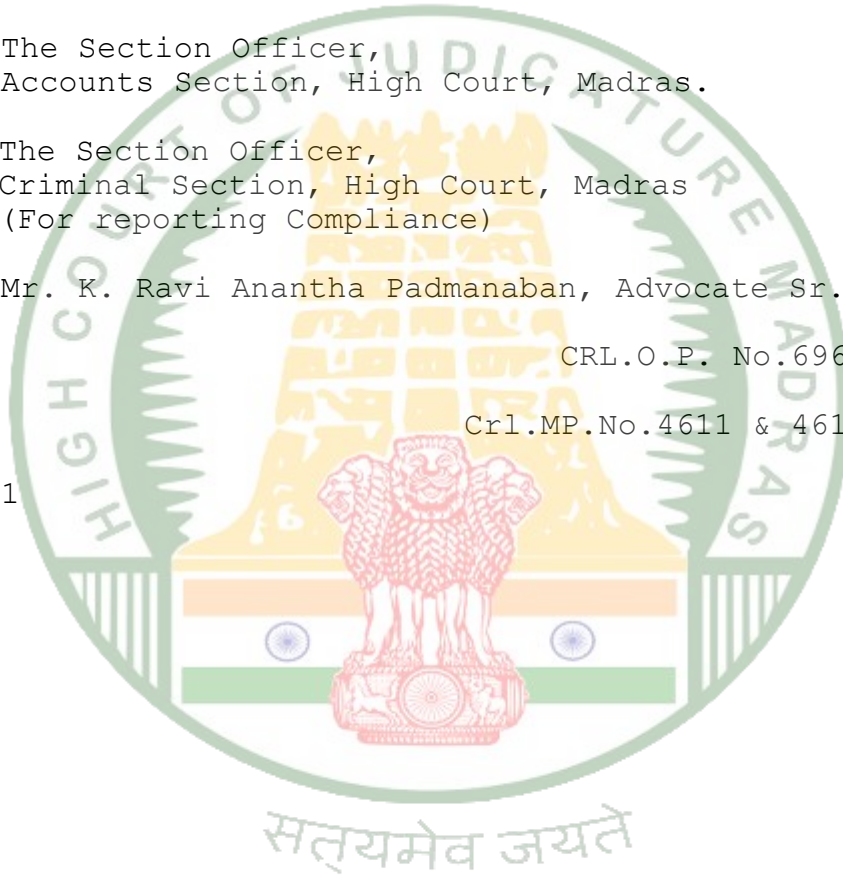
Copy to:1)The Section Officer,
Accounts Section, High Court, Madras.

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

+ 1 cc to Mr. K. Ravi Anantha Padmanaban, Advocate Sr.25129

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EU 8.6.2021



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