

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2021

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P No.7753 of 2021

Baskar

... Petitioner / Accused

vs.

1.State rep by
The Sub Inspector of Police,
Pullarampakkam Police Station,
Thiruvallur District.
(Crime No.29 of 2020) ... 1st Respondent / Complainant

2.Jayalakshmi ... 2nd respondent / Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to C.C.No.9 of 2021, on the file of the Judicial Magistrate No.I, Thiruvallur for an offence U/s.294(b), 323 & 324 IPC and Section 4 of Women Harassment Act and quash the same.

For Petitioner : Mr.P.Sasikumar

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

For R2 : Mr.A.Yogaraj

ORDER

(Through video conference)

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.9 of 2021, on the file of the Judicial Magistrate No.I, Thiruvallur.

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 2nd respondent filed a Joint Compromise Memo affidavit dated 07.04.2021 stating that the entire issue between the 2nd respondent and the petitioner in the quash petition has been amicably settled between them and she is not interested in pursuing on her complaint. The petitioner and the 2nd respondent were also present before this Court 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 petitioner and the defacto complainant have 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 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 CrI 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in C.C.No.9 of 2021, pending on the file of the Judicial Magistrate No.I, Thiruvallur.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.9 of 2021, on the file of the Judicial Magistrate No.I, Thiruvallur is quashed and the terms of the Joint Compromise Memo filed by the 2nd respondent shall form part and parcel of this order. [The petitioner 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 the Joint Memo of Compromise Enclosed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

ssi

To

1.The Sub Inspector of Police,
Pullarampakkam Police Station,
Thiruvallur District.

2.The Judicial Magistrate No.1,
Thiruvallur.

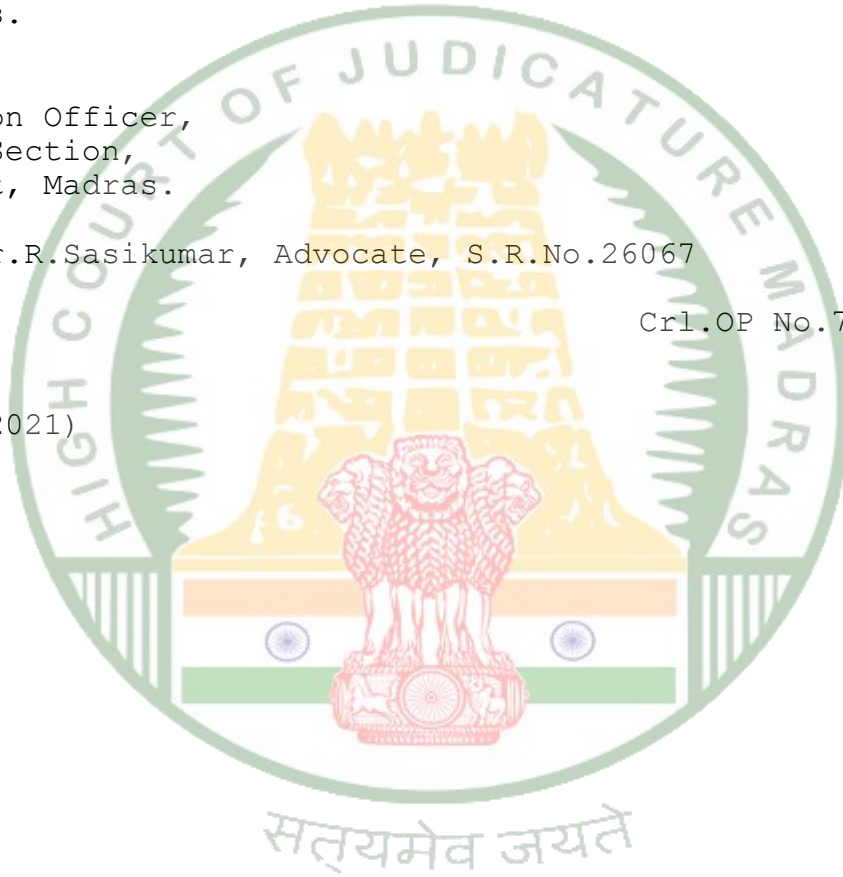
3.The Public Prosecutor,
High Court of Madras,
Madras.

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

+2cc to Mr.R.Sasikumar, Advocate, S.R.No.26067

Cr1.OP No.7753 of 2021

RSI (CO)
CB(01/07/2021)



WEB COPY