

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.9830 of 2021

1.M.Chakravarthy @ Tamilselvan @ Vidyut
2.Perumal ...Petitioner

Vs.

1.The State Rep by,
The Inspector of Police,
Computer Crimes Division,
Cyber Crime Cell,
Central Crime Branch,
Vepery,
Chennai District.
Crime No.299/2012.

2.M.NithyaRespondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned charge sheet in C.C.No.5214 of 2020 on the file of the learned Chief Metropolitan Magistrate Court (CCB/CBCID Cases), Egmore, Chennai., and quash the same.

For Petitioner:Mr.S.Babu

For R1 :Mr.A.Damodharan
Counsel for Government of Tamil Nadu
(Crl. Side)

For R2 :M.Abdul Salam

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.5214 of 2020 pending on the file of the Chief Judicial Magistrate Court (CCB/CBCID Cases), Egmore, Chennai.

2.The case of the prosecution is that the native of the 2nd respondent is Trichirapalli and she was staying in Pleasant Stay Women Hostel, Saidapet and working in Chennai. Prior to the occurrence, the parents of the 2nd respondent were searching

groom for her and due to which, the details of the 2nd respondent were registered in several matrimonial website. On 30.09.2011, the 2nd respondent received an SMS from the Bharath Matrimony that ID No.M2459971 gave preference for marriage. Since the person who holding ID No.M2459971 is shown as IAS, the 2nd respondent did not accept the same. Thereafter, the said person made a phone call to the 2nd respondent informed that he is Vidhyuth (1st petitioner/A1), studied B.Tech, M.Tech in S.R.M Engineering College and he is in IAS training and etc., Then, the 1st petitioner used to talk with the 2nd respondent over phone and created a love affair. Taking advantage of the same, on 09.10.2011, the 1st petitioner asked Rs.2,00,000/- from the 2nd respondent for purchase of house and informed her he would return the amount within a week. The 2nd respondent agreed for the same and they decided to meet in Villupuram. During the night hours in Villupuram, the 2nd respondent gave 10 sovereigns of gold and Rs.10,000/- to the 1st petitioner and the 1st petitioner informed her that he would return the same on 17.10.2011. On 17.10.2011, when the 2nd respondent made a phone call to the 1st petitioner, his number was switched off. On sensing fear when she checked the 1st petitioner's profile in the matrimonial website, his profile was deleted. Hence, the 1st petitioner by registering false particulars in the matrimonial website had cheated the 2nd respondent in connivance with the 2nd petitioner. On coming to know about the same, the 2nd respondent lodged a complaint against the petitioners before the 1st respondent, which was registered in Crime No.299 of 2012 for offence under Sections 419, 420 r/w 34 IPC. On completion of investigation, charge sheet filed against the petitioners, which was taken on file as C.C.No.5214 of 2020.

3.The case is at the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves at the intervention of elders and family members.

4.The learned counsel for the petitioners submitted that the proceedings against the petitioners is liable to be quashed, since a compromise has been entered between the 2nd respondent and the petitioners. He further submitted that the continuation of the criminal proceedings will not serve any purpose to the prosecution. Hence, he filed the above petition to quash the proceedings on the ground of compounding the offence.

5.An affidavit of the 2nd respondent dated 16.04.2021 has been filed before this Court which is signed by the 2nd respondent and attested by the counsel. All the parties are present through video conference, identified by their respective counsel. In order to identify the respective parties, they produced the copies of the Aadhaar Card and the same are made

part of the record. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. Under such circumstances, no useful purpose will be served in keeping the proceedings pending. The offences involved are compoundable in nature. The offence committed by the petitioners is private in nature involving individuals not the society at large.

7. In view of the guidelines rendered by the "Hon'ble Apex Court in the case of Gian Singh Versus State of Punjab reported in (2012) 10 SCC 303" and the offences are in compounding offences, this Court is inclined to quash the proceedings against the petitioners/accused.

8. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.5214 of 2020, on the file of the Chief Judicial Magistrate Court (CCB/CBCID Cases), Egmore, Chennai is quashed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vv2
To

1. The Chief Judicial Magistrate Court (CCB/CBCID Cases),
Egmore,
Chennai.
2. The Inspector of Police,
Computer Crimes Division,
Cyber Crime Cell,
Central Crime Branch,
Vepery, Chennai District.
3. The Public Prosecutor,
High Court, Madras.

+2 CCS to Mr.S. Babu, Advocate sr 27449.

CrI.O.P.No.9830 of 2021

RLD(CO)
SP(15/06/2021)