

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.8215 of 2021 and
Crl.M.P.No.5428 of 2021

1.D.M.John Walter @ Peppin
2.Raja @ Raj Kumar

...Petitioners

Versus

1. State Rep By its,
The Inspector of Police,
Central Crime Branch Team 15,
Vepery, Chennai.

2. V.Yoganandam

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the C.C.No.2010 of 2020 in CR.No.865 of 2016 pending on the file of XVII Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioner : Mr.B.Raja
For R1 : Mr.A.Damodaran,
Government Advocate (Crl. Side)
For R2 : Mr.Suresh Sakthi Murugan

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.2010 of 2020 pending on the file of the XVII Metropolitan Magistrate Court, Saidapet, Chennai.

2.The case of the prosecution is that on 29.07.2016, at about 11.30 a.m., when the 2nd respondent was going near Thomas Junction, Mambalam, the petitioners/A1 and A2 along with A3 came in car bearing registration number TN 01 AY 1292, stopped the 2nd respondent and abused him in filthy language and threatened him by using knife and also attempted to kill him. Thereafter, they escaped from the scene of occurrence. The 2nd respondent lodged a complaint against the petitioners/A1 & A2 and A3 before the 1st

respondent, which was registered in Crime No.865 of 2016 for offence under Sections 341, 294(b), 336, 427 and 506(ii) r/w 34 IPC. On completion of investigation, charge sheet filed against the petitioners/A1 & A2 and A3, which was taken on file as C.C.No.2010 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/A1 and A2 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 petitioners and 2nd respondent have been filed before this Court. All the parties are present through video conference, identified by their respective counsel. 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 not 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/A1 & A2 and also A3.

8.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.2010 of 2020, on the file of the XVII Metropolitan Magistrate Court, Saidapet, Chennai is quashed against the petitioners/A1 & A2 and A3.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

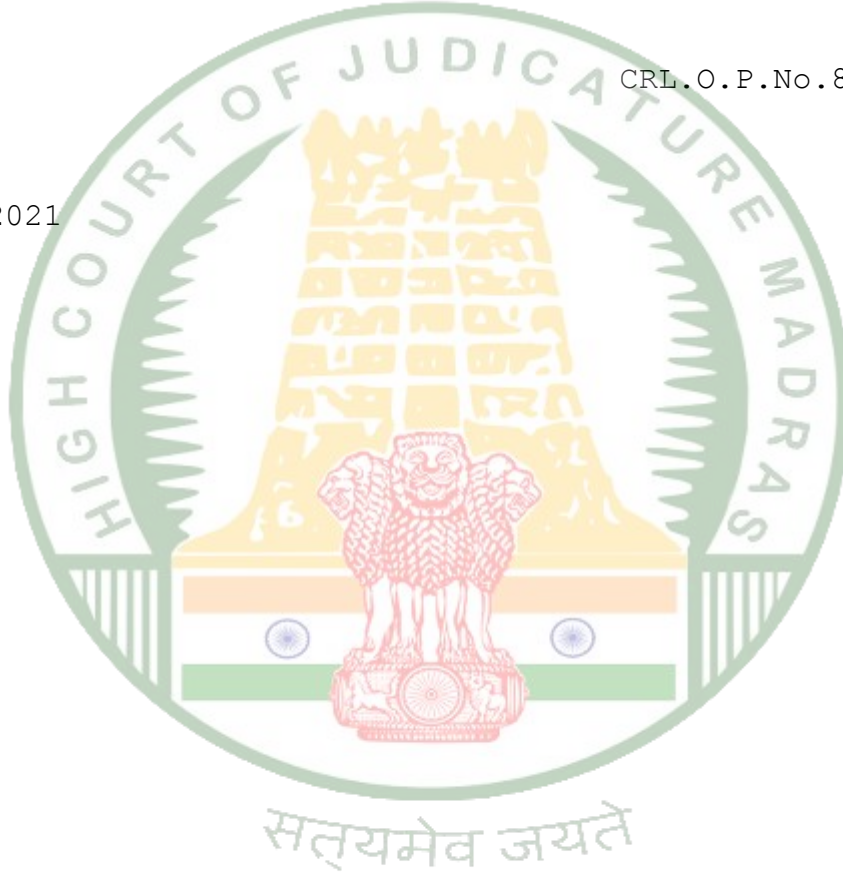
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To

1. The XVII Metropolitan Magistrate Court,
Saidapet, Chennai.
2. The Inspector of Police,
Central Crime Branch Team 15,
Vepery, Chennai.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.8215 of 2021

PMK (CO)
PR/13/07/2021



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