



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2021

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.10355 of 2021
and Crl.MP.No.6248 of 2021

1.Gokul Raj
2.Premkumar
3.Venkateshwaran

... Petitioners

Vs.

1.State by -
The Sub Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Thirumullaivoyal,
Chennai - 600 062.

2.Daniel Raja

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.1761 of 2020 on the file of the Judicial Magistrate, Ambattur, Chennai and quash the same.

For Petitioners : Mr.G.Dakshinamurthy

For R1 : Mr.A.Damodaran
Government Advocate (Crl. Side)

For R2 : Mr.C.Gopinath

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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.1761 of 2020 on the file of the Judicial Magistrate, Ambattur, 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 compromise the dispute amicably among themselves.



3.This gist of the case is that on 18.09.2019 at about 07.00 p.m. when the defacto complainant walked on the Annanur Railway Station auto stand where the petitioners were stopped the defacto complainant with a knife intention of assault, Extortion of 350 Rupees, Criminal intention and abusing language against the defacto complainant and escaped from the place.

4.On the complaint given by the defacto complainant, FIR came to be registered and thereafter investigation commenced, witnesses examined, investigation completed and charge sheet filed listing LW1 to LW8 and filed the final report on 10.09.2020 and thereafter the same was taken on the file of the Judicial Magistrate Court, Ambattur, Chennai At this stage, this quash petition has been filed.

5.It is further submitted that the petitioner and the second respondent/defacto complainant have residing on the same locality and they were met each other regularly and a compromise have been arrived between them through the well wishers and their family members.

6.To that effect, a Joint Compromise Affidavit has been filed by the petitioners and the defacto complainant before this Court. The petitioner and the second respondent were also present through Video conferencing. In the said affidavit it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in C.C.No.1761 of 2020. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

7.The learned Government Advocate (Crl. Side) appearing for the first respondent also confirms the same.

8.Under such circumstances, no useful purpose will be served in keeping the First Information Report 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 Crl 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in C.C.No.1761 of 2020, on the file of the 1st respondent Police.

9.In view of the same, this Court is inclined to allow this Criminal Original Petition and quash the proceedings in C.C.No.1761 of 2020, on the file of the Judicial Magistrate Court, Ambattur, Chennai.



10. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.1761 of 2020, on the file of the Judicial Magistrate Court, Ambattur, Chennai, is quashed against petitioners on the terms of affidavit which shall form part and parcel of this order. Consequently, the connected miscellaneous petition is closed.

* Herein enclosed xerox copy of joint compromise affidavit.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate,
Ambattur, Chennai.
- 2.The Sub Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Thirumullaivoyal,
Chennai - 600 062.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.10355 of 2021

PCH (CO)
K.RK. (04.08.2021)