



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.11957 of 2021

1. Sathyaraj,
S/o, Karppusamy

2. Ramesh,
S/o, Thangavel ... Petitioners/Accused 6 & A7

Versus

1. The State represented by
The Inspector of Police,
M-8, Sathangadu Police Station,
Sathangadu,
Chennai. ... Respondent/Complainant

2. Perumal
S/o, Arasan ... Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to quash the C.C.No.97 of 2018 and call for the record on the file of the Judicial Magistrate Court, Thiruvottiyur, Chennai - 600 019 and quash the same.

For Petitioners: Mr.D.Sugumar

For R1 : Mr.E.Raj thilak
Government Advocate, (Criminal Side)

For R2 : Ms. Elakkiya

ORDER

This Criminal Original Petition has been filed by the petitioners to quash the C.C.No.97 of 2018 and call for the records on the file of the Judicial Magistrate Court, Thiruvottiyur.



2. Gist of the case is that the petitioners are auto drivers who were driving auto for the last 10 years. One day they went for a drive, there was a wordy quarrel arose between the parties. Based on the complaint of the defacto complainant, F.I.R.No.867 of 2020 dated 10.06.2017 was registered against the petitioners by the first respondent police under sections 147, 148, 294(b), 326, 448 & 506(2) of IPC r/w. 34 IPC.

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/A6 & A7 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/A6 & A7. He further submitted that the continuation of the criminal proceedings will not serve any purpose to the prosecution. Hence, he prayed for quashing the proceedings.

5. Both the defecto complainant and the petitioners have filed the joint of memo of compromise before this Court. The 2nd respondent present through video conference, identified by the respective counsel. This Court also enquired the 2nd respondent and was satisfied that the parties have come to an amicable settlement between themselves. The extract of the joint memo of compromise is as follows:

3. It is submitted that the petitioners/accused and the defacto complainant became known persons. It is further submitted that efforts taken by the respectable known persons and both the parties in the case, in the meanwhile a compromise has been evolved between both the complainant and accused persons by which the defacto complainant has intended not to further proceed in C.C.No.97 of 2018 case, in any litigation and therefore in the interest of protecting the life of both the parties and their futures and all of them have resolved to withdraw the case pending against them.

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/A6 & A7.

8. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.97 of 2018 on the file of the Judicial Magistrate Court, Thiruvottriyur is quashed against the petitioners/A6 & A7.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mfa
To

1. The Judicial Magistrate,
Thiruvottriyur.
2. The Inspector of Police,
M-8, Sathangadu Police Station,
Sathangadu,
Chennai.
3. The Public Prosecutor,
High Court,
Madras.

CRL.O.P.No.11957 of 2021

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srg 09/08/2021