



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.10682 OF 2021

AND

CRL.M.P.NO.6361 OF 2021

Balaji @ Selva Balaji

... Petitioner

Versus

1. The State rep. by,
The Inspector of Police,
M-8, Sathangadu Police Station,
Chennai.
(Crime No.845 of 2016).

2. Vengatesan

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pending trial in C.C.No.47 of 2017, on the file of Judicial Magistrate Court, Thiruvottiyur and quash the same.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.47 of 2017, pending on the file of the Judicial Magistrate Court, Thiruvottiyur.

2.The case of the prosecution is that the 2nd respondent was working as Carpenter in his village. On 14.08.2016, there was temple festival in the village and when the procession came near the house of the 2nd respondent, the petitioner/A3 along with four other accused created ruckus by passing urine in the



premises. When the same was questioned by the 2nd respondent, the accused scolded him and his brother in a filthy language and attacked them, which resulted in injury. The 2nd respondent and his brother was admitted in the hospital and got discharged. Aggrieved by the said act, the 2nd respondent lodged a complaint to the 1st respondent Police. On the complaint, an FIR in Crime No.845 of 2016 was registered and thereafter, on completion of investigation, charge sheet came to be filed before the learned Judicial Magistrate, Thiruvottriyur for offence under Sections 147, 148, 294(b), 324, 326 and 506(ii) 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 petitioner/A3 submitted that the proceedings against the petitioners is liable to be quashed, since a compromise has been entered between the 2nd respondent and the petitioner/A3. 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.An affidavit of the 2nd respondent has been filed 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.

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 Vesus 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 petitioner/A3.

8.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.47 of 2017, on the file of the



Judicial Magistrate Court, Thiruvottriyur is quashed against the petitioner/A3. Consequently, the connected Miscellaneous Petition is closed.

WEB COPY

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vv2

To

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

+1cc to Mr.W.Camyles Gandhi, Advocate, S.R.No.31271

CRL.O.P.No.10682 of 2021

PMK(CO)
CS/22/07/2021