



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P. No.11645 of 2021

1.S.Satacharam Ganesh @ Ganesh Raja
2.K.Manigandan
3.S.Santhosh

... Petitioners

Versus

1. The State of Tamil Nadu,
Rep.by the Sub-Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Thiruvanmiyur,
Chennai.
(Crime No.2968 of 2017)

2. Lakshminarayanan

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records pertaining to the Charge sheet in C.C.No.5125 of 2018, on the file of the XVIII- Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioners : Mr.C.K.M.Appaji

For Respondents : Mr.E.Raj Thilak,
Counsel for
Government of Tamil Nadu(Crl.side)

ORDER

This Criminal Original Petition has been filed seeking a direction to call for records pertaining to the Charge sheet in C.C.No.5125 of 2018, on the file of the XVIII- Metropolitan Magistrate, Saidapet, 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 compromised the dispute amicably among themselves.

3.Heard both sides and perused the materials available on record.



4.The gist of the case is that the petitioners and the de-facto complainant are residing in the same apartment. The first petitioner parked his damaged old car, where the space allotted to the de-facto complainant for parking his car, for a long period. Therefore, the de-facto complainant had lodged a complaint against the first petitioner. The respondent/police instructed and advised the second respondent to remove the damaged car and park the car properly in his slot. Even after, the first petitioner did not obey the order and not shifted his car from the parking slot, causing hindrance. Thereafter, the de-facto complainant, informed the same to the owner of the apartment, who instructed him to park the car, in the slot allotted. As advised by the owner of the apartment, the de-facto complainant removed the first petitioner's damaged old car and parked his car. Thereafter, the first petitioner tried to remove the de-facto complainant's car with the assistance of other two petitioners herein, at the time, the de-facto complainant came to the spot and resisted the petitioners. The petitioners abused the de-facto complainant in filthy language and made an attempt to assault him with Billhook. After completion of investigation, charge sheet laid before the XVIII-Metropolitan Magistrate, Saidapet, Chennai, and the same is taken on file in C.C.No.5125 of 2018. Challenging the same, the present petition filed before this Court.

5.The second respondent filed a Joint Compromise Memo dated 09.07.2021 stating that the entire issue between the second respondent and the petitioners in the quash petition now amicably settled between them and the de-facto complainant is not interested in pursuing his complaint. The petitioners and the second respondent present through Video conferencing. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves. The dispute between them is purely personal in nature, arose due to spur of the moment. Now both the petitioners and the defacto complainant resolved their issue, decided to proceed on their own, as per their wish, comply with the compromise conditions.

6.Under such circumstances, no useful purpose will be served in keeping the case 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 Suprme Court in The State of Madhya Pradesh v. Dhruv Gurjar and Another reported in (2019) 2 MLJ Cr1 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in C.C.No.5125 of 2018, pending on the file of the XVIII-Metropolitan Magistrate, Saidapet, Chennai.



7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.5125 of 2018, pending on the file of XVIII- Metropolitan Magistrate, Saidapet, Chennai, is quashed and the terms of the affidavit filed by the second respondent shall form part and parcel of this order. [The petitioners shall pay a sum of Rs.1000/- (Rupees One Thousand only each) as costs, to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry)], within a period of one week from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry].

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

klt

To

1. XVIII- Metropolitan Magistrate,
Saidapet, Chennai.
2. The Sub-Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Thiruvanmiyur,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

Copy To:

The Section Officer,
Accounts Section, High Court, Madras.

+1cc to Mr.C.K.M.Appaji, Advocate, S.R.No.33103

CRL.O.P.No.11645 of 2021

JPL(CO)
BE(29/07/2021)