



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.12826 of 2021

Sasikumar @ Sasi

...Petitioner

Versus

1. The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Thirumullaivoyal, Thiruvallur,
Tamilnadu - 600 077.
Crime No.333/2018

2. Mahavishnu

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the record in C.C.No.126 of 2020 on the file of the Judicial Magistrate Court, Ambattur, Thiruvallur - 600 053 and quash the same.

For Petitioner : Mr.D.Sugumar

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

O R D E R

This petition has been filed to call for the record in C.C.No.126 of 2020 on the file of the Judicial Magistrate, Ambattur, Tiruvallur and quash the same.

2. The case of the prosecution is that during on the funeral procession of one deceased Siva, the petitioner hit Mahavishnu/de-facto complainant on his head with a beer bottle and with knife. Thereafter, the petitioner threatened him that he will kill him. Hence, the de-facto complainant filed a complaint against the petitioner and others and FIR was registered in Crime No.333 of 2018 for the offences under Sections 294(b), 341, 326, 506(ii) of IPC r/w 34 IPC. On 20.03.2018, the Sub Inspector of Police, Thirumullaivoyal has filed charge sheet before the Judicial Magistrate Court, Ambattur in C.C.No.126 of 2020.

3. The learned counsel for the petitioner submitted that the



petitioner is a law abiding person and he has not committed any offence as alleged in the Charge Sheet. The petitioner and the de-facto complainant are neighbours and there is no enmity between them. The FIR was lodged against the petitioner after a fight in procession broke in a fit of rage. Now, after the intervention of respectable known persons, both have come to a compromise. Hence, the petitioner has filed this petition to quash the charge sheet in C.C.No.126 of 2020.

4. 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.

5. The Joint Memo of Compromise dated 07.07.2021 has been filed by the 2nd respondent/de-facto complainant and the petitioner before this Court. The 2nd respondent and petitioner present through Video conferencing. In the joint memo, it is stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in CC.No.126 of 2020. This Court enquired both the parties and 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 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 Supreme 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.126 of 2020, pending on the file of the learned Judicial Magistrate Court, Ambattur, Thiruvallur.

7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.126 of 2020, pending on the file of the learned Judicial Magistrate Court, Ambattur, Thiruvallur, is quashed and the terms of joint memo shall form part and parcel of this order.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

dna



To

1. The Judicial Magistrate Court,
Ambattur,
Thiruvallur - 600 053

2. The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Thirumullaivoyal,
Thiruvallur,
Tamilnadu - 600 077.

3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.12826 of 2021

PM(CO)
RGA(01/09/2021)