



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.14361 of 2021

1.Syed Zabarullah
2.Mohammed Safwan

... Petitioners

Vs.

1.State Rep. by
The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Chennai - 600 062.
(Crime No.95 of 2018)

2.K.Mohanraj

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the charge sheet in C.C.No.107 of 2018 on the file of the learned Judicial Magistrate, Ambattur.

For Petitioner : Mr.Prakash Goklaney

For R1 : Mr.A.Damodaran
Government Advocate (Cr1. Side)

O R D E R

This Criminal Original Petition is filed to call for the records and quash the charge sheet in C.C.No.107 of 2018 on the file of the learned Judicial Magistrate, Ambattur.

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.The gist of the case is that on 24.01.2018 at about 09.30 a.m. while the defacto complainant/second respondent was



WEB COPY

walking via Vivekanandha Nagar Lilly Street, Thirumullaivoyal, at that time A1 and A2 had abused and assaulted the defacto complainant/second respondent by using the bottles and bricks found in the road and caused simple injury to the defacto complainant and also threatened him. Hence, the second respondent had given a complaint before the first respondent police. Based on the complaint the first respondent police registered a case against the petitioners for the alleged offences punishable under Section 341, 324, 506(ii) IPC r/w 34 IPC in Crime No.95 of 2018.

4.In the mean time, the defacto complainant and the petitioners had decided to resolve their differences and arrive at a compromise. Entirely without prejudice to the rights and contentions of the parties, it was resolved that the defacto complainant be paid a sum of Rs.15,000/- (Rupees fifteen thousand only) of which a sum of Rs.3,000/- (Rupees three thousand only) has already paid on 13.07.2021 and which the defacto complainant acknowledged. The balance amount to be paid on the date or orders being passed in the above matter.

5.To that effect, Memorandum of Compromise dated 15.07.2021 have been filed by the second respondent before this Court on 20.07.2021. The petitioners and the second respondent were present through Video conferencing. In the said memo 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.107 of 2018 on the file of the Judicial Magistrate, Ambattur at Chennai. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

6.The learned Government Advocate (Cr1. Side) appearing for the first respondent also confirms the same.

7.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 charge sheet in C.C.No.107 of 2018, on the file of the Judicial Magistrate, Ambattur at Chennai.

8.In view of the above said fact, this Court is inclined to allow this Criminal Original Petition.

9.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.107 of 2018, on the file of the Judicial Magistrate, Ambattur at Chennai, is quashed on the terms of the memorandum of compromise, which shall form part and parcel of this order.

* enclose herewith xerox copy of Memorandum of compromise

Sd/-

Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

ah

To

1.The Judicial Magistrate,
Ambattur at Chennai.

2.The Chief Judicial Magistrate, (for information)
Thiruvallur.

3.The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Chennai - 600 062.

4.The Public Prosecutor,
High Court, Madras.

+3CCs to Mr.Prakash Goklaney, Advocate, SR.No. 43786

Cr1.O.P.No.14361 of 2021

SPD(CO)

B.VC (30/09/2021)