

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl.O.P No.16243 of 2020

J.Krishnakumar

Petitioner

vs.

1. The State Represented By
The Inspector of Police,
Mahalingapuram Police Station,
Pollachi - 642 002.
(Crime No.110 of 2019)

2. Pavithra

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records on the file of the Judicial Magistrate II, Pollachi in proceedings in C.C.No.541 of 2019, dated 25.07.2019, and quash the same as illegal, incompetent and without jurisdiction.

For Petitioner : Mr.V.Raghavachari

For Respondents: Mr.M.Mohammed Riyaz

Additional Public Prosecutor for R1

Ms.Pavithra for R2

ORDER

The Criminal Original Petition has been filed to call for the records on the file of the Judicial Magistrate II, Pollachi in proceedings in C.C.No.541 of 2019, dated 25.07.2019, and quash the same.

2. The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. The affidavit dated 28.09.2020 has been filed by the 2nd respondent/de-facto complainant before this Court. The petitioner and the second respondent were also present through Video conferencing and they were identified by Mr.Shanmuga Moorthy, Inspector of Police, Mahalingapuram Police Station, Pollachi. In the affidavit 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.541 of 2019. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. 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.541 of 2019 pending on the file of the Judicial Magistrate II, Pollachi.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.541 of 2019, pending on the file of the Judicial Magistrate II, Pollachi, is quashed and the terms of affidavit shall form part and parcel of this order.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssr
To

1. The Judicial Magistrate II, Pollachi.
2. The Inspector of Police,
Mahalingapuram Police Station,
Pollachi - 642 002.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Ragavachari , Advocate SR.No. 1394

Cr1.O.P No.16243 of 2020

A.SK(02.02.2021).

सत्यमेव जयते

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