



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.15692 of 2021

Munusamy

... Petitioner/ Accused

Versus

1.State rep. by its,

The Inspector of Police,
Walajabad Police Station,
Kancheepuram District.

... 1st Respondent/ Complainant

2.Selvaraj

... 2nd Respondent/ Informant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the proceedings pending in C.C.No.219 of 2014 on the file of the learned Judicial Magistrate No.II at Kancheepuram District and quash the same.

For Petitioner : Mr.G.M.Sankar

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor

For R2 : Mr.D.Dayalan & Ms.D.Nithya

ORDER

This Criminal Original Petition is filed to call for the records pertaining to the proceedings pending in C.C.No.219 of 2014 on the file of the learned Judicial Magistrate No.II at Kancheepuram District 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 compromise the dispute amicably among themselves.

3.The gist of the case is that on 10.02.2014 at about 06.00 p.m. when the second respondent was in his house, at that time, the petitioner thrown coconut grass in the path way, which was questioned by the second respondent, regarding, there was an altercation between them. For that, the petitioner used unparliamentary words, caused hurt to the second respondent on his left side ear by using knife and threatened with dire



consequences. Hence, the second respondent/defacto complainant had lodged a complaint before the first respondent police and the same was registered as FIR in Crime No.69 of 2014, for the offence under Sections 294(b), 324 and 506(ii) IPC. Thereafter the first respondent filed charge sheet in Crime No.69 of 2014 and the case was taken on file and culminated into C.C.No.219 of 2014, which is now pending before the Judicial Magistrate Court No.II, Kancheepuram.

4.In the mean time, it has been unanimously decided by the petitioner and the second respondent to put an end to all the litigation between them. To that effect, the second respondent has filed an affidavit stating that upon advice from the elders and relatives the second respondent has decided not to proceed further in the above pending case against the petitioner Since the issue has been settled amicably. The second respondent has approached the first respondent and informed about the compromise aroused between the second respondent and the petitioner.

5.The learned Additional Public Prosecutor appearing for the first respondent also confirms the same.

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.219 of 2014 pending on the file of the Judicial Magistrate Court No.II, Kancheepuram.

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

8.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.219 of 2014 pending on the file of the Judicial Magistrate Court No.II, Kancheepuram, is quashed on the terms of the affidavit filed by the second respondent, which shall form part and parcel of this order.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar



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To

1.The Judicial Magistrate No.II,
Kancheepuram.

2.The Inspector of Police,
Walajabad Police Station,
Kancheepuram District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.M.Sankar, Advocate, S.R.No.67597

CRL.O.P.No.15692 of 2021

MG(CO)
SB(30/12/2021)