



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.19674 of 2021

1.Selvam

2.Ramesh

3.Gopalakrishnan

...Petitioners/Accused 1 to 3

Vs.

1. The State Rep by
The Sub Inspector of Police,
Kallakurichi Police Station,
Villupuram District.

...1st Respondent/
Investigation Officer

2. Thavee

...2nd Respondent/Defacto-Complainant

3. Ramachandran

...3rd Respondent/Victim

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the proceedings of the charge sheet in C.C. No. 188 of 2018 on the file of Judicial Magistrate Court No.1, Kallakurichi and quash the same.

For Petitioners : Mr.S. Doraisamy

For Respondents : Mr.R. Vinothraja
Govt. Advocate (Crl. Side)

O R D E R

This petition has been filed to call for the records relating to the proceedings of the charge sheet in C.C. No. 188 of 2018 on the file of Judicial Magistrate Court No.1, Kallakurichi and quash the same.



2. The case of the prosecution is that the 2nd respondent has two sons, namely, Ramachandran and Annadurai. The 2nd petitioner herein is a tenant of the house belonging to the mother of the 2nd respondent, by name, Meenachi. There was a dispute between Meenachi and the 2nd petitioner with regard to vacating the house and on 21.06.2018, at 11.30a.m., when the 2nd respondent and her son Ramachandran/3rd respondent herein were crossing the house of the 1st petitioner (A-1), the petitioners threatened the son of the 2nd respondent in filthy language and kicked him. Further, the 2nd petitioner (A-2) attacked the said Ramachandran with wooden log and thereby he sustained grievous injury on his head. Hence, the 2nd respondent lodged a complaint with the 1st respondent, who registered a case in Crime No. 439 of 2018 for offences under Sections 294(b), 323, 324 and 506(ii) IPC and subsequently, the same was altered to Sections 294(b), 323, 326 and 506(ii) IPC. After completion of the investigation, the charge sheet was filed before Judicial Magistrate No.I, Kallakurichi on 10.09.2019 and the same was taken on file in C.C. No. 188 of 2018.

3. The learned counsel for the petitioners submitted that subsequently, the petitioners and the 2nd and 3rd respondents have entered into a compromise and amicably settled their issues, which is the subject matter of the case in C.C. No. 188 of 2018. Hence, the petitioners have filed this petition to quash the charge sheet in C.C.No.188 of 2018.

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. A joint memo of compromise dated 30.09.2021 has been filed by the petitioners and 2nd and 3rd respondents stating that the issue between them has been settled amicably and they are ready to give a quietus to the issue without any claim or counterclaim with each other. This Court also enquired both the parties and was 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 Gujrat), 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.188 of 2018, pending on the file of the learned Judicial Magistrate Court No.I, Kallakurichi.



7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No. 188 of 2018 pending on the file of the learned Judicial Magistrate No.I, Kallakurichi, is quashed and the terms of memo of compromise shall form part and parcel of this order.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Judicial Magistrate Court No.I,
Kallakurichi.
2. The Sub Inspector of Police,
Kallakurichi Police Station,
Villupuram District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.S.Doraisamy, Advocate, S.R.No.56292

CRL.O.P.No.19674 of 2021

RP(CO)
RGA(17/11/2021)