

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.20069 of 2021

1.Sellathal
2.Selvaraj
3.Sabaridevi

...Petitioners/Accused 1 to 3

Versus

1.State by
Inspector of Police
Alangiyam Police Station
Tiruppur District.

..Respondent/Complainant

2.Selvaprakash

...Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and to quash the charge sheet in C.C.No.41 of 2015 on the file of the Judicial Magistrate, Dharapuram.

For Petitioners	:	Mr.A.Imran Khan
For Respondents	:	Mr.A.Damodaran for R1
		Additional Public Prosecutor
	:	Mr.N.Ponraj for R2

O R D E R

This petition has been filed to call for the records and to quash the charge sheet in C.C.No.41 of 2015 on the file of the Judicial Magistrate, Dharapuram.

2. The case of the prosecution is that the petitioners and the second respondent are relatives. The first petitioner is the maternal aunty of the second respondent herein. While so, on 02.10.2014 about 12.15 pm., when the second respondent was grazing cattle, it is alleged that the petitioners assaulted the defacto complainant demanding share over the property and thereby caused injuries to the defacto complainant. Hence, on the basis of complaint given by the second respondent, an FIR was registered in Crime No.225 of 2014 dated 02.10.2014 against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are law abiding persons and they have not committed any offence as alleged in the Charge Sheet. The petitioners and the de-facto complainant are the relatives, due to previous enmity a false complaint has been lodged against the petitioners. Now, after the intervention of respectable known persons, both of them have come to a compromise. Hence, the petitioner has filed this petition to quash the charge sheet in C.C.No.41 of 2015.

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. An Affidavit dated 25.10.2021 has been filed by the 2nd respondent/de-facto complainant before this Court. The 2nd respondent and petitioners present through Video conferencing. 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.41 of 2015. 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.41 of 2015, pending on the file of the learned Judicial Magistrate, Dharapuram.

7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.41 of 2015, pending on the file of the learned Judicial Magistrate, Dharapuram, is quashed and the terms of affidavit shall form part and parcel of this order.

(* Affidavit Xerox Copies enclosed)

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Judicial Magistrate, Dharapuram.

2.The Inspector of Police
Alangiyam Police Station
Tiruppur District.

3.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.20069 of 2021

MG(CO)
SP(01/11/2021)