

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.20061 of 2021

1.Selvaraj
2.Valliyathal
3.Kanagaraj
4.Sabaridevi
5.Nachimuthu
6.Chinnathai
7.Sellathal

...Petitioners / Accused 1 to 7

Versus

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

2.Mayilathal

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the charge sheet in C.C.No.208 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 quash the charge sheet in C.C.No.208 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 nephew to the second respondent herein. While so, on 06.10.2014 about 2.00 pm when the second respondent was in her land at Semmadaikattu Thottam, her husband and son were fetching cattle and feeding crops through a tempo. It is alleged that at the time, the petitioners assaulted the defacto complainant and her family 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.226 of 2014 dated 06.10.2014 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.208 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.208 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.208 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.208 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.

Encl.: Xerox Copy of Affidavit

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

dna

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.20061 of 2021

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