



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.20814 of 2021

1.Dilli

2.Taher Mb Lehry

... Petitioners/Accused

Versus

1.The Inspector of Police,
C-2 Elephant Gate Police Station
Traffic Investigation wing
Chennai.
Crime No.59 of 2021.

2.Balan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the record in C.C.No.1466 of 2021 on the file of the III Metropolitan Magistrate Court, George Town, Chennai-600 001 and quash the same.

For Petitioners : Mr.K.Subburaj

For 1st Respondent:Mr.E.Raj Thilak
Additional Public Prosecutor

For 2nd Respondent:Mr.D.Sugumar

O R D E R

This petition has been filed to call for the record in C.C.No.1466 of 2021 on the file of the III Metropolitan Magistrate Court, George Town, Chennai-600 001 and quash the same.

2. The case of the prosecution is that while on driving the two wheeler bearing Reg.No.TN 04 AT 0340, Dilli, one of the petitioners hit a old lady called Aurokiamary, wife of the de-facto complainant and she sustained a greivous injuries in her



left leg. Later it is revealed that, the two wheeler belongs to one called Taher Mb Lehry. Hence, the de-facto complainant filed a complaint against the petitioners and FIR was registered in Crime No.59 of 2021 for the offences under Sections 279, 337 of IPC and 3 r/w 181 MV Act. On 09.08.2021, the Inspector of Police, C-2 Elephant Gate Police Station, Traffic Investigation wing has filed charge sheet before the III Metropolitan Magistrate Court, George Town, in C.C.No.1466 of 2021.

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 known persons and there is no enmity between them. The FIR was lodged against the petitioners only in a fit of anger. Now, after the intervention of respectable known persons, both of them have come to a compromise. Hence, the petitioners have filed this petition to quash the charge sheet in C.C.No.1466 of 2020.

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. The Affidavit dated 26.10.2021 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 CC.No.1466 of 2021. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The agreed compensation paid by Second petitioner, de-facto complainant agreed and admitted the same. Further, given undertaking the compromise is final and there shall be no future claim.

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 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.1466 of 2021, pending on the file of the III Metropolitan Magistrate Court, George Town, Chennai.



7.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.1466 of 2021, pending on the file of the III Metropolitan Magistrate Court, George Town, Chennai., is quashed and the terms of affidavit shall form part and parcel of this order.

*The Xerox copy of the Joint Memo of Compromise dated 26/10/2021 enclosed

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

vm/asr
To

- 1.The Metropolitan Magistrate Court-III
George Town,
Chennai - 600 001.
- 2.The Chief Metropolitan Magistrate,
Egmore, Chennai.
- 3.The Inspector of Police,
C-2 Elephant Gate Police Station
Traffic Investigation wing
Chennai - 600.
- 4.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.20814 of 2021

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srg 14/12/2021