

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.26274, 26275, 29959, 30042 and 30045 of 2019 and
Crl.O.P. No.3127 of 2021 and Crl. M.P. Nos.
14045,14046,18868,14050,14051 and 18871 of 2019 and
Crl.M.P.Nos.16176 and 16177 of 2019 and Crl.M.P.No.1975 of 2021
and Crl.M.P.Nos.16241 and 16242 of 2019 and Crl.M.P.Nos.16246
and 16249 of 2019

Ganesan

.. Petitioner in Crl.O.P.Nos.26274,26275 and 29959 of 2019

1. Senthil

2. Shankar .. Petitioners in Crl.O.P.No.30042 of 2019

Abdulraheem

.. Petitioner in Crl.O.P.No.30045 of 2019

1. M.Arjunan

2. Tmt.Jyothi Radiam

3. M.Singaram .. Petitioners in Crl.O.P.No.3127 of 2021

Vs.

State represented by
The Inspector of Police,
Perambalur Police Station,
Perambalur District,
Perambalur.

M.Arjunan .. First Respondent in all Crl.O.Ps.
.. Second Respondent in
Crl.O.P.Nos.26274,26275,
29959,30042, 30045 of 2019

K.Sankar

.. Second Respondent in
Crl.O.P.No.3127 of 2021

Prayer in Crl.O.P.No.26274 of 2019:- Criminal Original Petition
filed under Section 482 of Cr.P.C. to call for the records in
Special S.C.No.40 of 2019 pending on the file of the Hon'ble
Principal District and Sessions Judge, Perambalur in Crime
No.802 of 2017 on the file of the First Respondent Police and
quash the same as against the petitioner.

Prayer in CrI.O.P.No.26275 of 2019:- Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in Special C.C.No.41 of 2019 pending on the file of the Hon'ble Principal District and Sessions Judge, Perambalur in Crime No.879 of 2017 on the file of the First Respondent Police and quash the same as against the petitioner.

Prayer in CrI.O.P.No.29959 of 2019:- Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in C.C.NO.79 of 2018 pending on the file of the Hon'ble Judicial Magistrate, Perambalur, and quash the same as against the petitioner.

Prayer in CrI.O.P.No.30042 of 2019 :- Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in Special C.C.No.41 of 2019 pending on the file of the Hon'ble Principal District and Sessions Judge, Perambalur in Crime No.879 of 2017 on the file of the First Respondent Police and quash the same as against the petitioner.

Prayer in CrI.O.P.No.30045 of 2019:- Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in Special S.C.No.40 of 2019 pending on the file of the Hon'ble Principal District and Sessions Judge, Perambalur in Crime No.802 of 2017 on the file of the First Respondent Police and quash the same as against the petitioner.

Prayer in CrI.O.P.No.3127 of 2021 :- Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records of the charge sheet in P.R.C.No.2 of 2020, pending on the file of the Hon'ble Judicial Magistrate, Perambalur in Crime No.1134 of 2017 on the file of the 1st respondent police and quash the same.

For Petitioner	
in CrI.O.P.Nos.26274	
26275 and 29959 of 2019	: Mr.R.Vivekananthan
For First Respondent	
in CrI.O.P.Nos.26274	
and 26275 of 2019	: Mr.M.Mohamed Riyaz
	Additional Public Prosecutor
For the 2 nd Respondent	
in CrI.O.P.Nos.26274	
and 26275 of 2019	: Mr.C.S.Associates
For Petitioner	
in CrI.O.P.No.3127 of 2021	: Mr.P.Ganesan
For the 1st respondent	
in CrI.O.P.No.3127/21	: Mr.Mohamed Riyaz
	Additional Public Prosecutor

COMMON ORDER

These Criminal Original Petitions have been filed to call for the records pertaining to the proceedings in SC No.40 of 2019, C.C.No.41 of 2019 and P.R.C.No.2 of 2020, pending on the file of concerned Court respectively 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 joint memo of compromise dated 19.02.2021 in all cases has been filed by the 2nd respondent/de-facto complainant before this Court. The petitioners and the second respondent in all cases were also present through Video conferencing and they were identified by Mr.Ashokan, Perambalur Police Station, Perambalur District, Perambalur. In the Memo, it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in SC No.40 of 2019, C.C.No.41 of 2019 and P.R.C.No.2 of 2020, pending on the file of concerned Court respectively. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. Under such circumstances, no useful purpose will be served in keeping the cases 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 cases in SC No.40 of 2019, C.C.No.41 of 2019 and P.R.C.No.2 of 2020, pending on the file of concerned Court respectively .

5. These Criminal Original Petitions stand allowed and as a sequel, the proceedings in SC No.40 of 2019, C.C.No.41 of 2019 and P.R.C.No.2 of 2020, pending on the file of concerned Court respectively, is quashed and the terms of Memo shall form part and parcel of this order. The petitioners shall pay a sum of Rs.10,000/- (Rupees Ten thousand only) as costs, to the credit of the President, Tamil Nadu Advocates Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch,

A/c No.484026006, IFSC Code:IDIB000M157), within a period of one week from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal District and Sessions Judge,
Perambalur.

2.The Judicial Magistrate,
Perambalur.

3. The Inspector of Police,
Perambalur Police Station,
Perambalur District,
Perambalur.

4. The Additional Public Prosecutor,
High Court, Madras.

5. The President,
Tamil Nadu Advocates Clerk Association,
Madras High Court, Chennai.

+1cc to M/s.C.S.Associates, Advocate Sr.10677

+3cc to M/s.R.Vivekananthan, Advocate Sr.10257, 10258, 10260.

Crl.O.P.Nos.26274, 26275, 29959, 30042 and 30045 of 2019 and
Crl.O.P. No.3127 of 2021 and Crl. M.P. Nos.
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and 16249 of 2019

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srg 11/03/2021