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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2022

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.4502 of 2022

1.Subash
2.Surya

... Petitioners

Vs

State Represented by

1.The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai District.
(Ref:Crime No.110 of 2021)

2.Vidhya Sagkar R.A.

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the criminal proceeding in C.C.No.4640 of 2021 on the file of the XIII Metropolitan Magistrate, Egmore and quash the same.

For Petitioners : Mr.D.Velu

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed, to call for the records in C.C.No.4640 of 2021 pending on the file of the XIII Metropolitan Magistrate, Egmore and quash the same.

2. The case of the prosecution is that the petitioners are brother and sister and the 2nd respondent is the husband of the 2nd petitioner. Due to some misunderstanding, the 2nd petitioner and the 2nd respondent are living separately and the 2nd petitioner lodged a complaint against the 2nd respondent. Now, the petitioners and the 2nd respondent have now arrived at a compromise pursuant to the mediation and the 2nd respondent has agreed and not to pursue the case as against the petitioners. Hence, the 2nd respondent has no objection to quash the proceedings in C.C.No.4640 of 2021 on the file of XIII Metropolitan Magistrate, Egmore.



3. The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. A Joint Memo of Compromise has been filed before this Court, which have been signed by the petitioners and the second respondent and also by their respective counsels. The petitioners and the second respondent were also present in person before this Court and they were identified by Mr.Subash, Mrs.Surya, Mr.Vidhya Sagkar.R.A. and the Inspector of Police, V-5 Thirumangalam Police Station, Chennai. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. Under such circumstances, no useful purpose will be served in keeping the First Information Report 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), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the proceedings in C.C.No.4640 of 2021.

6. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.4640 of 2021, on the file of the XIII Metropolitan Magistrate, Egmore, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

(*)Enclosed the Xerox copy of Joint Compromise Memo.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

vkr

To

1.The XIII Metropolitan Magistrate, Egmore.

2.The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai District.

3.The Public Prosecutor,
High Court of Madras.

+2cc to M/s.D.Velu, Advocate, S.R.No.16005

Cr1.O.P.No.4502 of 2022

JP-II(CO)
SB(25/03/2022)