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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.5593 of 2022

Sathyanaath

...Petitioner

-Vs-

1. The State rep by,
The Inspector of Police,
W-21, All Women Police Station,
Guindy, Chennai.

2. Lakshmi

...Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records in the FIR in Cr.No.06 of 2018 dated 26.05.2018 pending on the file of 1st respondent herein and quash all the proceedings.

For Petitioner: Mr.B.Vijyakarthikeyan

For Respondent: Mr.A.Gokulakrishnan
Additional Public Prosecutor for R1.
Ms.Kanimozhi Mathi for R2.

O R D E R

This Criminal Original Petition has been filed to call for the records in the FIR in Cr.No.06 of 2018 dated 26.05.2018 pending on the file of 1st respondent herein and quash all the proceedings.

2.The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3.A Joint Compromise Memo has been filed before this Court, which has been signed by the petitioner and the 2nd respondent/defacto complainant and both the parties are present before this Court and they were identified by their respective counsel. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between



themselves. The relevant paras of the Joint Compromise Memo is extracted hereunder:-

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''1.It is respectfully submitted that this joint compromise memo is filed by the defacto complainant/ 2nd respondent and the petitioner.

2. The defacto complainant/2nd respondent and the petitioner, during the pendency of the proceedings reconciled their differences and a compromise ensued between them.

3.It is submitted that by passage of time the defacto-complainant/2nd respondent and petitioner settled their issues involved in the above said criminal case amicably.

4.The Defacto-Complainant/2nd respondent respectfully submits that she is not willing to proceed the case against the Petitioner. In furtherance to the compromise, the defacto complainant also withdraw the special leave petitions, SLP (Crl) No.9191 of 2019 and SLP (Crl) No. 8473/2019 pending before the Hon'ble Supreme Court on 13.08.2021, arising/relating to the same FIR, Crime No. 06 of 2018.

5.It is submitted that the Defacto-Complainant/2nd respondent has no objection to quash the FIR in Cr.No.06 of 2018 pending on the file of the 1st Respondent, for alleged offences under Sections 417, 352, 506(ii) @ 417, 352, 506(i) of Indian Penal Code 1860. Therefore, it is humbly prayed, not to proceed further with the criminal case as against the petitioner herein.

6.It is therefore prayed that this Hon'ble court may be pleased to record this compromise memo for quashing the FIR in Cr.No.06 of 2018 pending on the file of the 1st Respondent and pass such further or other suitable orders to the facts and circumstances of this case and thus render justice.''

4.Under such circumstances, no useful purpose will be served in keeping the proceedings in Crime No.06 of 2018 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 Gujarat), this Court in exercise of its



jurisdiction under Section 482 Cr.P.C. quash the proceedings in Crime.No.06 of 2018.

5. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime.No.06 of 2018 on the file of the 1st respondent police is quashed and the Joint Compromise Memo shall form part and parcel of this order.

*Xerox copy of the Joint Compromise Memo enclosed herewith.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

jas/tsh

To

1. The Inspector of Police,
W-21, All Women Police Station,
Guindy, Chennai.
2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.B.Vijayakarthiskeyan, Advocate, S.R.No.19848

Cr1.O.P.No.5593 of 2022

KK(CO)
RGA(07/04/2022)