



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.6744 OF 2022

Deepak

... Petitioner/Accused

-Vs-

1. The State Rep. by,
Inspector of Police,
N-15, Royapuram Police Station,
Chennai - 13.
(Crime No.927 of 2018)

2. Valliammal

... Respondents/Complainant,
Defacto Complainant

PRAYER:-

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records in connection with C.C.No.57 of 2021 dated 05.01.2021 on the file of learned XVI Metropolitan Magistrate, George Town, Chennai and quash the same.

For Petitioner : Mr.S.Kingston Jerold

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

O R D E R

This Criminal Original Petition has been filed to call for the records in connection with C.C.No.57 of 2021 dated 05.01.2021 on the file of learned XVI Metropolitan Magistrate, George Town, Chennai and quash the same.

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.

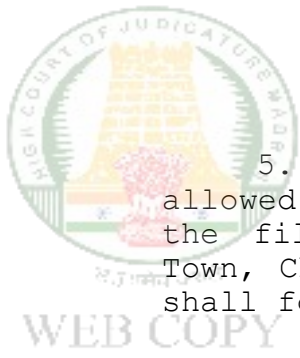


3. A Memorandum of Compromise has been filed before this Court, which have been signed by the petitioner and the second respondent/defacto complainant and also by their respective counsel. The petitioner and the 2nd Respondent/defacto complainant are present before this Court and they were identified by their respective counsel. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves. A Memorandum of Compromise is extracted hereunder:-

"This memorandum of compromise entered between the petitioner/Accused and the second respondent/defacto complainant, that the petitioner and the 2nd Respondent/defacto complainant are the neighbors and known to several years against each other. The petitioner/accused is like the brother of the 2nd respondent/defacto complainant and the complaint was lodged by the 2nd respondent/defacto complainant due to the small misunderstanding arose between them.

Now the Petitioner/Accused and the 2nd Respondent/defacto complainant entered into a compromise and settled the issues between them. The petitioner not paid any money in connection with setting the above case and the 2nd respondent also did not receive any money in connection with entering this compromise. The 2nd Respondent agreed to withdraw the complaint and the 2nd respondent not pressing upon her complaint. The petitioner/Accused and the 2nd respondent/defacto complainant settling this case without imposing any condition on each other or in any co-ercion or in any undue influence and entering this compromise with their full state of mind, by mutual consent, settling the matter between the petitioner and the 2nd respondent/defacto complaint in a peaceful manner and this case may be quashed on the ground that the matter has been settled between the parties.'"

4. Under such circumstances, no useful purpose will be served in keeping the proceedings in C.C.No.57 of 2021 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 C.C.No.57 of 2021.



5. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.57 of 2021 on the file of the learned XVI Metropolitan Magistrate, George Town, Chennai, is quashed and the Joint Memorandum of Compromise shall form part and parcel of this order.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

jas/tsh

To

1. The XVI Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
N-15, Royapuram Police Station,
Chennai - 13.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Kingston Jerold, Advocate, S.R.No.21926

CRL.O.P.NO.6744 OF 2022

NMI (CO)
PBS/13/04/2022