



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2022

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.7161 of 2022

1.A.Rajarajan @ Sozhan

2.A.Pandiyan

...Petitioners/Accused

-Vs-

1.The State rep by its,
The Inspector of Police,
Cuddalore O.T. Police Station,
Cuddalore District.
Crime No.680 of 2020.

..1st Respondent/Respondent

2.A.Jagadesan

..2nd Respondent/Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for records relating to C.C.No.288 of 2021 on the file of the Judicial Magistrate No.II, Cuddalore and quash the same in respect of the petitioners.

For Petitioner :Mr.S.Anburaja

For Respondents :Mr.A.Gokulakrishnan

Additional Public Prosecutor for R1.

Mr.N.Siddharthan for R2

O R D E R

This Criminal Original Petition has been filed to call for records relating to C.C.No.288 of 2021 on the file of the Judicial Magistrate No.II, Cuddalore and quash the same in respect of the petitioners.

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 consent Affidavit has been filed before this Court, which have been signed by the second respondent/defacto



complainant and also by his 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 consent Affidavit of the second respondent/defacto complainant is extracted hereunder : -

"1. I am the defacto complainant and the 2d respondent herein, as such I am well acquainted with the facts of the case.

2.I submit that on 21.06.2020 at about 4 P.M due to previous enmity the petitioners abused, assaulted and gave life thread to me in which I had sustained injury. In this regard I have given complaint against the petitioners and the same was registered by the 1 respondent as Crime No.680 of 2020 for the offences punishable under sections 294(b), 324 and 506 (ii) of IPC.

3.I submit that the petitioners have filed the above quash petition before this Ho'ble court to quash the charge sheet filed against them. Now at the intervention of the elders and well wishers, I and the petitioners herein have decided to settle our dispute.

4.I submit that the matter has been settled amicably, both me and the petitioners have entered into a Memo of Agreement dated 28.02.2022 settling the entire issue. Therefore I have no objection in quashing the charge sheet filed against the petitioners which is pending on the file of the 1st respondent Police.

5.I submit that as stated above, the matter has been settled amicably between me and the petitioner, hence subsisting of the C.C.No. 288 of 2021 on the file of the Judicial Magistrate No.II, Cuddalore, is futile and to save the precious time of Hon'ble Jurisdictional court, I am filing this consent/no objection affidavit praying for allowing the above petition to quash the Charge sheet."

4. Under such circumstances, no useful purpose will be served in keeping the proceedings in C.C.No.288 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.288 of 2021.

5. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.288 of 2021 on the file of the learned Judicial Magistrate No.II, Cuddalore, is quashed and the consent affidavit of the second respondent/defacto complainant shall form part and parcel of this order.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

jas/tsh
To

1.The Judicial Magistrate No.II, Cuddalore.

2.The Inspector of Police,
Cuddalore O.T. Police Station,
Cuddalore District.

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.S.Anburaja, Advocate sr 26991.

Cr1.O.P.No.7161 of 2022

SSD(CO)
SP(05/05/2022)