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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.8407 of 2022 and
Crl.M.P.Nos.2486 & 2487 of 2022

Giridharan ...Petitioner

-Vs-

1.The State rep by its,
The Inspector of Police,
J-7, Police Station, Velacherry,
Adayar, Chennai.
(Crime No.895 of 2021)

2.Latha @ Shree Latha ...Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records pertaining to C.C.No.318 of 2022 on the file of the Learned XVIII, Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioner :Mr.R.Vignesh

For Respondents :Mr.A.Gokulakrishnan
Additional Public Prosecutor
for R1.
Mr.D.Manoj Kumar for R2.

O R D E R

This Criminal Original Petition has been filed to call for the records pertaining to C.C.No.318 of 2022 on the file of the Learned XVIII, Metropolitan Magistrate, Saidapet, 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.

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3.A Joint Compromise Memo 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 Joint Compromise Memo dated 11.04.2022 is extracted hereunder:-

> "1. It is submitted that a complaint had been lodged by the 2nd respondent and on such complaint the 1st respondent had registered First Information Report came to registered in Crime No: 895 of 2021 for the offence punishable under section 294(b), 323,506 (1) of IPC and Sec 4 of TNPHW Act 2002 dated 13.09.2021 and the petitioner herein is arrayed as sole accused.
>
> 2.It is submitted that now the charge sheet in C.C.No.318 of 2022 on the file of the Learned XVIII, Metropolitan Magistrate, Saidapet, Chennai has been filed and adjourn to 06.04.2022 for furnishing copies.
>
> 3.It is submitted that respondent/De facto complainant has compromised the issue and had jointly decided to close the case in C.C.No.318 of 2022 on the file of the Learned XVIII, Metropolitan Magistrate, Saidapet, Chennai.
>
> 4.The decision arrived to compromise the matter is only to solve the dispute and strengthen the relationship and it is not arrived by any coercion or by force. The compromise arrived between the de facto complainant and accused only advice of the elders.
>
> 5.The petitioners herein and the de facto complainant with the mutual understanding are filing the above petition to quash and as well as the present joint memo of compromise.
>
> 6.Since the matter has been settled amicably between the petitioner and de facto

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complainant, so there is no objection for the 2nd respondent for quashing C.C.No.318 of 2022 on the file of the Learned XVIII, Metropolitan Magistrate, Saidapet, Chennai."

4. Under such circumstances, no useful purpose will be served in keeping the proceedings in C.C.No.318 of 2022 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.318 of 2022.

5.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.318 of 2022 on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, is quashed and the Joint Compromise Memo dated 11.04.2022 shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

(*)The Xerox copy of the Joint Compromise Memo enclosed

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

jas/tsh
To
1.The XVIII Metropolitan Magistrate,
Saidapet, Chennai.

2.The Inspector of Police,
J-7, Police Station, Velacherry,
Adayar, Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.R.Vignesh, Advocate Sr.27044

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