



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.7823 of 2022

1.Velmurugan
2.Balaganesh

...Petitioners

-Vs-

1.The State of Tamil Nadu,
Rep by The Inspector of Police,
E-3, Teynampet Police Station,
Chennai.

2.K.Baskar

..Respondents/Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records in the C.C.No.241 of 2022 (Crime No.126 of 2018, E-3, Teynampet Police Station) on the file of the learned Metropolitan Magistrate - XVIII, Saidapet, Chennai and quash the same.

For Petitioners : Mr.J.Sudhakaran
For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor for R1.
Mr.C.Sivakumar for R2.

O R D E R

This Criminal Original Petition has been filed to call for the records C.C.No.241 of 2022 (Crime No.126 of 2018, E-3, Teynampet Police Station) on the file of the learned Metropolitan Magistrate - XVIII, Saidapet, Chennai.

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. The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are siblings. A consent affidavit has been filed before this Court, which have been signed by 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



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amicable settlement between themselves. A consent affidavit of the 2nd respondent/defacto complainant is extracted hereunder :-

'1.I humbly submit that I am the Second Respondent in the above case and as such I am well acquainted with the facts of the case.

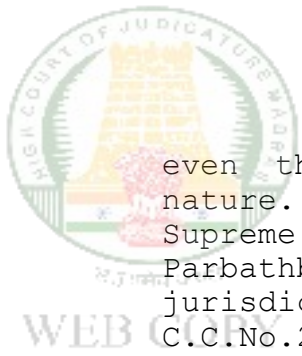
2.I submit that the Petitioners are my younger brothers. I am the complainant in the above case. Based on my Complainant, a case in C.C.No.241 of 2022 [Crime No.126 of 2018, E-3, Teynampet Police Station] has been filed by the First Respondent Police on the file of the Learned Metropolitan Magistrate-XVIII, Saidapet, Chennai and the same is pending.

3.I submit that the Petitioners have filed above Crl.O.P. to quash the C.C.No.241 of 2022 (Crime No.126 of 2018, E-3, Teynampet Police Station]. I am arrayed as Second Respondent in the above case.

4.I submit that a Civil Suit No.236 of 2018 had been filed by my brothers (the Petitioners herein], our mother and our sister against me for partition of their share in our family properties. The above Civil Suit has been referred to the Mediation of this Hon'ble Court and a memorandum of compromise is entered into between the parties to the civil suit. I have given consent to quash the said FIR on the condition that my brothers [the Petitioners] and myself shall install the lift at VKM Illam, No.33/15, ARK Colony, Eldams Road and all the three will bear the cost and maintenance equally. A Compromise Decree and Judgment dated 24/11/2020 in Civil Suit No.236 of 2018 on the file of this Hon'ble Court.

5.I submit that now the dispute between myself and my younger brothers [the Petitioners] has been amicably resolved and settled. Therefore, I do not have any objection whatsoever to quash the above C.C.No.241 of 2022 [Crime No.126 of 2018, E-3, Teynampet Police Station] on the file of the Learned Metropolitan Magistrate-XVIII, Saidapet, Chennai."

4. Under such circumstances, no useful purpose will be served in keeping the proceedings in C.C.No.241 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.241 of 2022.

5. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.241 of 2022 pending on the file of the learned Metropolitan Magistrate - XVIII, Saidapet, Chennai is quashed and the affidavit shall form part and parcel of this order.

* Herein enclosed the xerox copy of affidavit of the 2nd Respondent.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

jas/tsh
To

1.The Metropolitan Magistrate - XVIII, Saidapet, Chennai.

2.The Inspector of Police,
E-3, Teynampet Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+2 ccs to Mr.J.Sudhakaran, Advocate Sr.NO. 23880

CrI.O.P.No.7823 of 2022

SSN(CO)

A.SK(27/04/2022)