



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.8177 of 2022 and
Crl.M.P.No.4754 of 2022

Dhanraj

... Petitioner

-Vs-

1. The State rep by its,
The Inspector of Police,
K-2, Ayanavaram Police Station,
Chennai - 600 023.

2. Mohan

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for records pertaining to the proceedings pending in C.C.No.3564 of 2018 on the file of Learned V Metropolitan Magistrate at Egmore at Chennai District and quash the same.

For Petitioner : Mr.Durai Kannan

For Respondents: Mr.A.Gokulakrishnan
Additional Public Prosecutor for R1.
Mr.C.Mohan Raj for R2

O R D E R

This Criminal Original Petition has been filed to call for records pertaining to the proceedings pending in C.C.No.3564 of 2018 on the file of Learned V Metropolitan Magistrate at Egmore at Chennai District 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.The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are brothers. Due to domestic quarrel the incident had happened. He would submit that due to intervention of elders and well wishers, the dispute has been compromised and an affidavit has been filed before this Court, which have been signed by the the second respondent/defacto complainant.



4. 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. The affidavit of the 2nd respondent/defacto complainant is extracted hereunder:-

1. I submit that Petitioner/Accused is my younger brother, he is working in ICF as Assistant Workshop Mechanical, he was married without consent of our family elders. And also there is coral among them due to usage of common passage. On the wordy coral between them I had lodged complaint before the 1st respondent police.

2. I submit that based on the complaint lodged by me, the 1st Respondent registered a case against the petitioners in register a case on 30.10.2017 in Crime No.1409 of 2017 for alleged offences penal provision punishable under sections 341, 294(b), 324, 506(ii) of the I.P.C. as against the petitioners. On the strength of the information, report lodged by me the F.I.R. was registered. Subsequently, the investigation was completed and filed final report before concerned court, it was taken on file by concerned court, now, and the case is pending before Learned V Metropolitan Magistrate Egmore at Chennai District.

3. I submit that upon advice from the elders and relatives I have decided not to proceed further in the above pending case against the petitioner. Since the issue has been settled amicably, I have approached the 1^a Respondent the compromise aroused between us and sort for withdrawing my case and therefore we have decided to move this Hon'ble Court for remedy.

1. I submit that I and the petitioner have entered into a joint compromise that I undertake and assure that I will not lodge any complaint against the petitioners in future.

2. I submit that I am filing this affidavit reporting the compromise and seeking quash of the charge sheet in C.C



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No.3564/2018 pending on the file of before Learned V Metropolitan Magistrate Egmore at Chennai District.

3.I submit that prima facie the issue is that path way dispute. Nevertheless the issue has been amicably settled between me and the petitioner and therefore the pendency of the case against the petitioner would not serve any use purpose.

4.I submit that I have come forward voluntarily and filing this Affidavit and Joint Compromise Memo without any coercion or undue influence.

5.I submit that the petitioner/Accused and I were filed the compounding petition before the Learned V Metropolitan Magistrate at Egmore on 29/03/2022. The Hon'ble Trial Court dismissed the same on same day for the reasons that he involved offences are non-compoundable offences."

5. Under such circumstances, no useful purpose will be served in keeping the proceedings in C.C.No.3564 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 C.C.No.3564 of 2018.

6. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.3564 of 2018 on the file of the learned V Metropolitan Magistrate, Egmore, Chennai, is quashed and the Joint Compromise Memo shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

Joint Compromise Memo Xerox copy enclosed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar



jas/tsh

To

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1.The V Metropolitan Magistrate, Egmore, Chennai.

2.The Inspector of Police,
K-2, Ayanavaram Police Station,
Chennai - 600 023.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Durai Kannan, Advocate, S.R.No.27256

Cr1.O.P.No.8177 of 2022 and
Cr1.M.P.No.4754 of 2022

EV(CO)
CT 11/05/2022