



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.7311 OF 2021

1. G.Sathish

2. Mohan

... Petitioners/Accused

.Vs.

1. The State by
The Inspector of Police,
T-13, Kundrathur Police Station,
Kanchipuram District,
(Cr.No.1432 of 2020)

... 1st Respondent/Complainant

2. Madhankumar

... 2nd Respondent/De-facto
complainant

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the Charge Sheet in C.C.No.33 of 2021 on the file of the District Munsif cum Judicial Magistrate Court, Sripermbudur, Kanchipuram District in Cr.No.1432 of 2020 on the file of the respondent No.1 Police Station and quash the same.

For Petitioners : Mr.P.Pugalenth

For Respondent No.1 : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the Charge Sheet in C.C.No.33 of 2021, on the file of the District Munsif cum Judicial Magistrate Court, Sripermbudur, Kanchipuram District, in Cr.No.1432 of 2020, on the file of the first respondent and quash the same.



2. The case of the prosecution is that on 17.10.2020, the first petitioner who is the owner of M.R.Transport and the second petitioner who is the driver were proceeding after unloading the articles. At that time, they tried to steal the cow and calves lying in the service road and caught by the villagers. Therefore, complaint was lodged against the petitioners by the defacto complainant on 18.10.2020, in Crime No.1432 of 2020, for offences under Sections 379 and 511 IPC. The Inspector of Police, T-13, Kundrathur Police Station, Kanchipuram District, has filed charge sheet before the District Munsif cum Judicial Magistrate Court, Sripermbudur, Kanchipuram District in C.C.No.33 of 2021.

3. The case is still at the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. The Memo of Compromise dated 18.08.2021 was filed before this Court and it has been stated that both parties agreed for compromise and amicably settled their issues in C.C.No.33 of 2021. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. Under such circumstances, no useful purpose will be served in keeping the case 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 Gujrat), and after exercising due caution as advised by the Hon'ble Supreme Court in The State of Madhya Pradesh v. Dhruv Gurjar and Another reported in (2019) 2 MLJ Cr1 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the case in C.C.No.33 of 2021, on the file of the District Munsif cum Judicial Magistrate Court, Sripermbudur, Kanchipuram District.

6. This Criminal Original Petition stands allowed and as a sequel, the case in C.C.No.33 of 2021, on the file of the District Munsif cum Judicial Magistrate Court, Sripermbudur, Kanchipuram District, is quashed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The District Munsif-cum-Judicial
Magistrate Court,
Sripermbudur,
Kanchipuram District.
2. The Inspector of Police,
T-13, Kundrathur Police Station,
Kanchipuram District.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.NO.7311 OF 2021

EV (CO)
PBS/28/02/2022