



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.9706 OF 2022

1.Arulalan
2.Ravichandran
3.Uthamaseelan
4.Williams
5.Venkatesan
6.Selvaraj
7.Gopal
8.Ramesh
9.Basheer Ahmed

... Petitioners/Accused 2 to 10

-Vs-

E.Imayavarman

... Respondent/Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records and to quash the C.C.No.5556 of 2018, on the file of the learned II Metropolitan Magistrate, Egmore, Chennai, as against the petitioners.

For Petitioners : Mr.K.R.Ramesh Kumar

For Respondent : Mr.A.Senthil Kumar

O R D E R

This Criminal Original Petition has been filed, to call for the records and to quash the C.C.No.5556 of 2018, on the file of the learned II Metropolitan Magistrate, Egmore, Chennai, as against the petitioners.

2. The case of the prosecution is that the petitioners and the defacto complainant are Railway employees. The petitioners obstructed the defacto complainant and abused the defacto complainant with filthy language and attacked him by using cycle



chain, wooden log and bottles, for the same, the defacto complainant sustained injuries. Hence, the defacto complainant lodged a private complaint. Based on that, a case was taken against the petitioner in C.C.No.5556 of 2018, for the alleged offences under Sections 341, 147, 148, 294(b), 325 and 506(ii) of I.P.C., on the file of the learned II Metropolitan Magistrate, Egmore, Chennai.

3. The case is 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. A Joint Memo of Compromise has been filed before this Court, which have been signed by the petitioners and the respondent and also by the learned counsel for the petitioners. The petitioners and the respondent were also present in person before this Court. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The relevant portions of the joint memo of compromise are extracted hereunder:

"2. Even though a private complaint was registered against the petitioners, at present the respondent is not interested in continuing the prosecution and he would like to compound/compromise the issue and the related dispute.

3. Both the petitioners as well as respondent are railway employees and considering the future relationship, the respondent is willing to compromise the entire issue and do not want to precipitate the issue and to settle the issue amicably.

4. If this Court do not permit the petitioners to compound the offences, great prejudice would be caused to the petitioner and the continuation of the prosecution will create animosity between the petitioners and the respondent, hence the respondent may be permitted to compound/compromise with the petitioners herein in C.C. No.5556 of 2018."

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), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the C.C.No.5556 of 2018, on the file of the learned II Metropolitan Magistrate, Egmore, Chennai.



6. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.5556 of 2018, on the file of the Learned II Metropolitan Magistrate, Egmore, Chennai, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

* Herein Enclosed the Xerox Copy of the Joint Memo of Compromise.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

gsk

To

1. The II Metropolitan Magistrate,
Egmore,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.R.Ramesh Kumar, Advocate, S.R.No.30146

Cr1.O.P.No.9706 of 2022

AK-II(CO)
RLP(19/05/2022)