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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.9322 OF 2022

A.Rajendiran

... Petitioner/Accused

-Vs-

1. State by,
The Sub Inspector of Police,
G-1, Vepery Police Station,
Vepery, Chennai 600 044.
(Crime No.775 of 2015)

... 1st Respondent/Complainant

2. E.Imayavarman

... 2nd Respondent/Defacto 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.2454 of 2015, on the file of the learned II Metropolitan Magistrate, Egmore, Chennai, as against the petitioner.

For Petitioner : Mr.K.R.Ramesh Kumar

For Respondents : 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.2454 of 2015, on the file of the learned II Metropolitan Magistrate, Egmore, Chennai, as against the petitioner.

2. The case of the prosecution is that the petitioner and the defacto complainant are Railway employees. On 12.05.2015, When the petitioner met the defacto complainant, there ensued a quarrel and the petitioner abused the defacto complainant with filthy language and attacked him by using cycle, for the same,



the defacto complainant sustained blood injuries on his left upper cheek. Hence, the defacto complainant lodged a complaint to the respondent police. Based on that, a case was registered against the petitioner in Crime No.775 of 2015, for the alleged offences under Sections 341, 294(b), 323 & 324 of I.P.C. After investigation, the case has been taken on file in C.C.No.2454 of 2015, on the file of the learned II Metropolitan Magistrate, Egmore, Chennai.

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. A Joint Memo of Compromise has been filed before this Court, which have been signed by the petitioner and the second respondent and also by the learned counsel for the petitioner. The petitioner and the second respondent were also present in person before this Court and they were identified by the respondent police. 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 the case was registered against the petitioner, at present the 2nd respondent is not interested in continuing the prosecution and he would like to compound/compromise the issue and the related dispute.

3.Both the petitioner as well as defacto complainant are railway employees and considering the future relationship, the 2nd 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 petitioner to compound the offences, great prejudice would be cause to the petitioner and the continuation of the prosecution will create animosity between the petitioner and the defacto complainant, hence the 2nd respondent may be permitted to compound/compromise with the petitioner herein in the case registered by the 1st respondent herein in Crime No.775 of 2015."

5. Under such circumstances, no useful purpose will be served in keeping the First Information Report 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 Gujrath), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the C.C.No.2454 of 2015, on the file of the learned II Metropolitan Magistrate, Egmore, Chennai.

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6. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.2454 of 2015, 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 Sub Inspector of Police,
G-1, Vepery Police Station,
Vepery, Chennai 600 044.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.R.Ramesh Kumar, Advocate, S.R.No.30147

Cr1.O.P.No.9322 of 2022

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