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CRL.O.P.No.14309 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.No.14309 of 2022 and
CRL.M.P.No.7819 of 2022

1.Vijayalakshmi
2.V.M.Kumaran

... Petitioners

Versus

1.The Inspector of Police,
Central Crime Branch,
Chennai.
Crime No.663 of 2004.

2.Ramanathan Chandrasekaran

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.35 of 2013 on the file of before learned Metropolitan Magistrate for CCB & CBCID Cases Egmore, Chennai and quash the same against the petitioners.

For Petitioners : Mr.M.Jaikumar

For R1 : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

For R2 : Mr.P.N.Kamalakannan



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ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.35 of 2013, on the file of the Metropolitan Magistrate Court for CCB & CBCID Cases, Egmore, Chennai, for offence under Sections 120(b), 419, 465, 468, 471 and 420 of IPC.

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

3.The petitioners and the 2nd respondent filed Joint Compromise Memo to the effect that the 1st petitioner executed release deed along with her daughter and son in respect of the family property situated at Old No.25/2, New No.28, Sarangapani Street, T.Nagar, Chennai, comprised in T.S.No.8207/1, Block No.108-A of T.Nagar Village, Mambalam Taluk, Chennai in favour of the 2nd respondent. Hence, the petitioners and the 2nd respondent compromised the issue and the proceedings against the petitioners may be quashed.



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4.The petitioners and the 2nd respondent are present before this Court and they were identified by the learned Additional Public Prosecutor. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card and it is made part of the record. In the Joint Compromise Memo, it has been stated that the petitioners and the 2nd respondent have entered into a compromise and amicably settled their issues in C.C.No.35 of 2013. 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 proceedings pending, even though, the offences involved are not compoundable in nature. The Hon'ble Supreme Court in the case of ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath***, reported in ***2017 9 SCC 641*** and in case of ***The State of Madhya Pradesh Vs. Dhruv Gurjar and Another*** reported in ***(2019) 2 MLJ Crl 10***, has given sufficient guidelines that must be taken into consideration by this Court



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while exercising its jurisdiction under Section 482 of Cr.P.C, to quash non-compoundable offences. One very important test that has been laid down is that the Court must necessarily examine if the crime in question is purely individual in nature or a crime against the society with overriding public interest. The Hon'ble Supreme Court has held that offences against the society with overriding public interest even if it gets settled between the parties, cannot be quashed by this Court.

6.In the present case, the offences in question are purely individual/personal in nature. Though the offences are non-compoundable, it is only a property dispute between the family members. It involves the petitioners and the 2nd respondent and their respective families only. Quashing the proceedings, will not affect any overriding public interest in this case. No useful purpose will be served in continuing with the criminal proceedings and keeping the proceedings pending will only swell the mental agony of the petitioners, 2nd respondent and their families.



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7.In view of the above, this Court is inclined to quash the proceedings in C.C.No.35 of 2013, on the file of the Metropolitan Magistrate Court for CCB & CBCID Cases, Egmore, Chennai, in exercise of its jurisdiction under Section 482 Cr.P.C.

8.Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.35 of 2013, on the file of the Metropolitan Magistrate Court for CCB & CBCID Cases, Egmore, Chennai, is quashed against the petitioners. Consequently, the connected Miscellaneous Petition is closed.

28.06.2022
(2/2)

Index: Yes/No
Internet: Yes/No

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To

1.The Metropolitan Magistrate Court for CCB & CBCID Cases,
Egmore, Chennai.

N.SATHISH KUMAR, J.



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vv2

2.The Inspector of Police,
Central Crime Branch,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

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