



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.23168 of 2021

and

CrI.M.P.No.12689 of 2021

1.S.David

2.Henry Maris

... Petitioners / Accused

Vs

State Represented by

1. The Inspector of Police,
Anti-Vice Squad II,
Chintadripet, Chennai 600 002.

2. Dr.Paul Gladson

... Respondents / Complainant /
Defacto Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.32 of 2021 pending on the file of the learned Magistrate No.I, Poonamalle and quash the same.

For Petitioners : Mr.C.P.Hemkumar for
M/s.Ganesh and Ganesh

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor for R1
Mr.D.Aravinth Kumar for R2

ORDER

The Criminal Original Petition has been filed to call for the records in C.C.No.32 of 2021 pending on the file of the learned Magistrate No.I, Poonamallee 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.A Memorandum of Understanding has been filed before this Court, which have been signed by the 1st petitioner and the second respondent/defacto complainant. The petitioners and the second respondent were also 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. Affidavit of the 2nd respondent/defacto complainant is extracted hereunder:-

"2.I submit that I lodged a complaint and the same was registered under Sections 341, 120(b), 465, 406, 420 and 506(ii) r/w Section 34 of the Indian Penal Code and the 1st respondent Police has arraigned the petitioners as accused.

3.I submit and declare that pursuant to the Settlement Agreement dated 18.10.2021 the complaint made by me in Crime Number 951 of 2014 and the consequent Calender case 32 of 2021 as against petitioners Mr.S.David and Mr.Henry Maris stand withdrawn and dropped and I have no intentions to pursue further on the same. I agree to drop all allegations and do not pursue the same in any manner.

4.Pursuant to the understanding I have realized that proceedings have taken place on mistake of facts and so it will be futile to conduct further proceedings and realizing the same I have dropped all allegations against the petitioners. There are no pending issues, disputes, claims or allegations between myself and the petitioners. So I do not wish to pursue the complaint and the proceedings in C.C.No.32 of 2021. I also wish to fully drop and close the complaint and the same may be quashed."

4. Under such circumstances, no useful purpose will be served in keeping the proceedings in C.C.No.32 of 2021 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. quash the proceedings in C.C.No.32 of 2021.



5. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.32 of 2021 on the file of the Judicial Magistrate No.I, Poonamallee, is quashed and the Memorandum of Understanding and the Affidavit of the 2nd respondent/defacto complainant shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is also closed.

(*) Herein enclosed the Xerox copy of Memorandum of Understanding and Affidavit of R2.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vkrr

To

1. The Judicial Magistrate No.I,
Poonamallee.
2. -do through- The Chief Judicial Magistrate,
Thiruvallur.
3. The Inspector of Police,
Anti-Vice Squad II,
Chintadripet, Chennai 600 002.
4. The Public Prosecutor,
High Court of Madras.

Copy to

The Section Officer,
Criminal Section,
High Court, Madras - 104.

+1cc to M/s.Ganesh and Ganesh, Advocate, S.R.No.

CRL.O.P.No.23168 of 2021
and CrI.M.P.No.12689 of 2021

SSV[co]
NSK 04/04/2022