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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.22656 OF 2021 AND
CRL.M.P.NO.12335 OF 2021

1.Chandra David
W/o.Mr.David
2.Russel Raj
S/o.Thanganadar
3.S.David
S/o.Solomon
4.E.Selothraj
S/o.Ekambaram

...Petitioners/
Accused 1 to 4

-Vs-

1. The State,
Rep by the Inspector of Police(Crime),
N-1, Royapuram Police Station,
Chennai - 600 013.

2. Dr.Paul Gladson

..Respondents/
Complainant and Defacto Complainant

Prayer :

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records in C.C.No.609 of 2020 pending on the file of the learned XVI Metropolitan Magistrate Court, George Town, Chennai and quash the same.

For Petitioners : Mr.C.P.Hemkumar for P1 and P3.
Mr.Russel Raj, Party-in-person.
Mr.Sathiyamoorthy for P4.

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



O R D E R

This Criminal Original Petition has been filed to call for the records in C.C.No.609 of 2020 pending on the file of the learned XVI Metropolitan Magistrate Court, George Town, Chennai.

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2.The case is under trial. By passage of time, petitioners 1 and 2 and the defacto complainant have decided to bury their hatchet and compromise the dispute amicably among themselves.

3.The learned counsel appearing for the petitioners would submit that the 2nd and 4th petitioners have withdrawn their vakalat given to him. He would submit that the petitioners 1 and 3 and the defacto complainant have settled the dispute among them amicably and he would seek to quash the proceedings in respect of petitioners 1 and 3.

4. Today, the 2nd petitioner/Mr.Russel Raj, Advocate is present before this Court and he would submit that he is withdrawing the vakalat given to the counsel and he would pray that the quash petition in respect of him may be dismissed as withdrawn and he would seek liberty to file a separate quash petition on merits.

5.Mr.Sathyamoorthy, learned counsel would submit that he has filed change of vakalat for the 4th petitioner. He would submit that the 4th petitioner is not pressing the quash petition and he would pray that the petition in respect of the 4th petitioner may be dismissed as withdrawn and he may be granted liberty to file a fresh quash petition on merits.

6. Taking into consideration the submission made by Mr.Russel Raj/Second petitioner and Mr.Sathiyamoorthy, learned counsel representing the 4th petitioner. The petitions in respect of petitioners 2 and 4 are dismissed as withdrawn. However, liberty is granted to them to file a separate petitions on merits.

7. Mr.Ganesh, learned counsel appearing for the 2nd respondent/defacto complainant would submit that though the second respondent had filed a complaint against four accused, the second respondent has no objection in the quash petition being allowed in respect of petitioners 1 and 3 and he has no objection in the proceedings pending in CC.No.609 of 2020 on the file of the XVI Metropolitan Magistrate, George Town, Chennai being quashed in respect of petitioners 1 and 3 alone.

8. Today, the petitioners 1, 2 and 3 and the 2nd respondent/defacto complainant are present before this Court and they were identified by their respective counsel. The 4th



petitioner is represented by his counsel Mr.Sathiyamoorthy.

9.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for 1st respondent and the counsel for the 2nd respondent.

10. The second respondent/defacto complainant who is present before this Court has admitted that he has no objection in the quash petition being allowed in respect of petitioners 1 and 3.

11. Under such circumstances, no useful purpose will be served in keeping the proceedings in C.C.No. 609 of 2020 pending, in respect of the petitioners 1 & 3 against whom the defacto complainant/2nd respondent does not want to proceed further 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 proceedings in C.C.No.609 of 2020 in respect of petitioners 1 and 3 alone.

12.Accordingly, this Criminal Original Petition is allowed in respect of 1st and 3rd petitioners and as a sequel, the proceedings in C.C.No.609 of 2020 on the file of the XVth Metropolitan Magistrate Court, Egmore, Chennai is quashed in respect of the petitioners 1 and 3 alone. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

jas/tsh

To

1. The Inspector of Police(Crime),
N-1, Royapuram Police Station,
Chennai - 600 013.
2. The XVI Metropolitan Magistrate,
Metropolitan Magistrate Court,
George Town, Chennai.



3. The Public Prosecutor,
High Court, Madras.

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+1cc to Mr. Ganesh & Ganesh, Advocate, S.R.No.17378

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RSI (CO)
PM/06/04/2022