



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2022

CORAM:

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

CRL.O.P.NO.23121 OF 2021

AND

CRL.M.P.NOS.12670 & 12671 OF 2021

1. D.Kesavamoorthy

2. M.Chandrasekar

3. N.Indhumathi

4. K.Rajendran

... Petitioners

.Vs.

The State by

1. The Inspector of Police,  
City Crime Branch,  
Coimbatore City, Coimbatore.  
Crime No.10 of 2020

2. R.Sathishkumar

... Respondents

PRAYER:-

Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for entire records concerned in C.C.No.2196 of 2020 on the file of the Judicial Magistrate - VII, Coimbatore District and quash the same in so far as the petitioners are concerned and pass such further or other orders.

For Petitioners : Mr.C.Prakasam

For Respondent 1 : Mr.A.Gokulakrishnan  
Additional Public Prosecutor

For R2 : Mr.C.Prakasam



## O R D E R

The Criminal Original Petition has been filed to quash the proceedings in C.C.No.2196 of 2020 pending on the file of the learned Judicial Magistrate - VII, Coimbatore District for the offences punishable under Sections 120B, 409, 420, 468, 471 and 477A of IPC.

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 Compromise Memo has been filed the before this Court, which have been signed by the petitioners and the second respondent/defacto complainant and also by the Counsel for petitioners. The petitioners and the second 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.

4. The relevant portion of the Compromise Memo is extracted hereunder :-

"It is humbly submit that the above quash petition is pending before this Hon'ble Court, pending quash petition the business partners were advised both parties to settle the issue, accordingly the petitioners and the 2nd respondent herein arrived compromise and settled the issue and hence, it is decided by the 2nd respondent not to proceed his complaint and moreover, in view of his business he going to Foreign Countries for doing textile business, hence both petitioners as well as the 2<sup>nd</sup> respondent herein decided to file compromise memo before this Hon'ble Court for disposal of the above quash petition.

Therefore it is prayed that this Hon'ble Court may be pleased to accept this compromise memo filed by the petitioners and the 2nd respondent by jointly in Crl.O.P.No.23131 of 2021 and thus render justice."

5. Under such circumstances, no useful purpose will be served in keeping the proceedings in C.C.No.2196 of 2020 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 proceedings in C.C.No.2196 of 2020.

6. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.2196 of 2020 on the file of the Judicial Magistrate - VII, Coimbatore District, is quashed and Consequently, connected miscellaneous petitions are closed.

\* Xerox Copy of Compromise Memo filed by the Petitioners and the 2<sup>nd</sup> Respondent is enclosed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nti/nr

To

1. The Inspector of Police,  
City Crime Branch,  
Coimbatore City,  
Coimbatore.
2. The learned Judicial Magistrate - VII,  
Coimbatore District.
3. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.22512

CRL.O.P.NO.23121 OF 2021 AND  
CRL.M.P.NOS.12670 & 12671 OF 2021

SKM(CO)  
PBS/13/04/2022