



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.01.2022
CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.25416 of 2021

Parthasarathy @ Batcha

... Petitioner/Accused

Versus

1.The state rep by

Inspector of Police,

P-5, M.K.B. Nagar Police Station,

Chennai - 39.

..1st Respondent/Complainant

2.N.Shyamgeetha

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records in C.C.No.657 of 2016 pending on the file of the Learned X Metropolitan Magistrate at Egmore, Chennai-8 and quash the same under the ground of compromise.

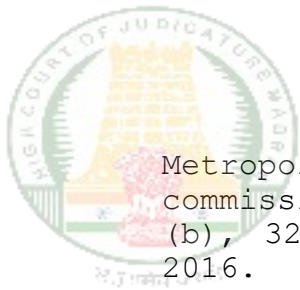
For Petitioner : Mr.M.Anandaraj

For Respondents: Mr.E.Raj Thilak
Additional Public Prosecutor
for R1
Mr.G.Prabhu for R2

O R D E R

This petition has been filed to call for records in C.C.No.657 of 2016 pending on the file of the Learned X Metropolitan Magistrate at Egmore, Chennai-8 and quash the same under the ground of compromise.

2. The case of the prosecution is that the 2nd respondent has lodged a complaint on 21.10.2013 before the 1st respondent stating that her husband's elder brother's son Mr.Parthasarathy @ batcha came to her house on 20.10.2013 at about 8.00 pm, abused her in filthy language and her 2 daughters and caught hold her neck and pull down and pelted stone into her house and threatened her with dire consequences. In this regard, a case has been registered in Cr.No.1447/2013 under Section 294(b), 323, 354, 506(i) of IPC. On 29.01.2016, the Sub - Inspector of Police, P-5, M.K.B. Police Station filed charge sheet before the Learned X



Metropolitan Magistrate at Egmore, Chennai - 8 for the commission of alleged offences punishable under Section 294 (b), 323, 506(i) of IPC r/w 4 of TNPWH Act in C.C.No.657 of 2016.

WEB COPY

3. The learned counsel for the petitioner submitted that the trial court framed charges as against the petitioner and examined the prosecution witnesses P.W.1 to 9 and during the period of trial, the dispute between the petitioner and the 2nd respondent has been amicably settled out of court upon advice of elder members of both families. Hence, the petitioner has filed this petition to quash the charge sheet in C.C.No.657 of 2016.

4. 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.

5. The Affidavit dated 11.01.2022 has been filed by the 2nd respondent/de-facto complainant before this Court. The 2nd respondent and petitioner present through Video conferencing. In the affidavit, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in CC.No.657 of 2016. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. Under such circumstances, no useful purpose will be served in keeping the case 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), and after exercising due caution as advised by the Hon'ble Supreme Court in The State of Madhya Pradesh v. Dhruv Gurjar and Another reported in (2019) 2 MLJ Cr1 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the case in C.C.No.657 of 2016, pending on the file of the learned X Metropolitan Magistrate at Egmore, Chennai.

7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.657 of 2016, pending on the file of the learned X Metropolitan Magistrate at Egmore, is quashed and the terms of affidavit shall form part and parcel of this order.

*Herein enclosed the xerox copy of compromise affidavit.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar



2. The Inspector of Police,