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CrI.O.P.No.25498 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CrI.O.P.No.25498 of 2022
and
CrI.M.P.Nos.15825 & 15826 of 2022

1.D.Elizabeth Perciya

2.A.Daniel

3.R.Ganesan

... Petitioners

Vs.

1.State rep by
The Sub Inspector of Police,
R5 Virugambakkam Police Station,
Chennai.
(Crime No.2043 of 2017)

2.J.Jeba Anand @ Anand

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to call for the records pertaining to the charge sheet in C.C.No.5716 of 2018
pending on the file of XXIII Metropolitan Magistrate Court, Saidapet, Chennai
and quash the same.



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For Petitioners : Mr.A.Suresh Sakthi Murugan

For Respondents : Mr.S.Santhosh for R1,
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.5716 of 2018 pending on the file of the learned XXIII Metropolitan Magistrate Court, Saidapet, Chennai for the offences under Sections 448, 323, 506(i) of IPC @ Sections 448, 427, 506(i) of IPC.

2.The case of the prosecution is that the first petitioner is the wife of the defacto complainant and the second petitioner is the father in law of the defacto complainant and third petitioner is the friend of the defacto complainant. Due to a matrimonial discord, the petitioners had trespassed into the defacto complainant's shop and threatened him with dire consequences. Therefore, a case has been registered against the petitioners in Crime No.2043 of 2017 for the offences under Sections 448, 323, 506(i) of IPC @ Sections 448, 427, 506(i) of IPC and the charge sheet has been filed before the learned XXIII Metropolitan Magistrate Court, Saidapet, Chennai in C.C.No.5716 of 2018.



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

4. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Mr. Venkatesan, Grade-II, Police Constable (47605), R5 Virugambakkam Police Station as well as by the learned Counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. In the instant case, the dispute is of personal in nature and the parties had compromised. Where the parties have compromised the matter, the High Court has to power to quash the charge sheet for the offence under Sections under Sections 448, 323, 506(i) of IPC @ Sections 448, 427, 506(i) of IPC.

6. The legal position expressed by the Hon'ble Apex Court in the case



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of **Gian Singh vs. State of Panjab and another** reported in **(2012)10 SCC 303** and **Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath** reported in **(2017)9 SCC 641** were taken into consideration.

7. In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in C.C.No.5716 of 2018 pending before the learned XXIII Metropolitan Magistrate Court, Saidapet, Chennai, even though, the offences involved are not compoundable in nature.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.5716 of 2018 pending, on the file of the learned XXIII Metropolitan Magistrate Court, Saidapet, Chennai is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequently, connected Criminal Miscellaneous Petitions are closed.

26.10.2022

Internet:Yes/No

Index:Yes/No

Speaking/Non speaking order
shk

To

1.The Sub Inspector of Police,



R5 Virugambakkam Police Station,
Chennai.

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2. The Public Prosecutor,
High Court of Madras.



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V.SIVAGNANAM,J.
shk

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