



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.26011 OF 2021

AND

CRL.M.P.NO.14381 OF 2021

1.Thangavelu @ Kovai Thangavelu
2.T.Uma Mahesh
3.Kalpana

...Petitioners / Accused 1 to 3

Versus

1.The State by
The Inspector of Police,
Chennai CCB,
Chennai.
Crime No.506 of 2005.

...1st Respondent / Complainant

2.Govindaraj

...2nd Respondent / Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.20849 of 2005 pending on the file of the Hon'ble CCB/CBCID Metropolitan Magistrate Court at Egmore Chennai and quash the same against the petitioners.

For Petitioners : Mr.M.Jaikumar

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

This petition has been filed to quash the records in C.C.No.20849 of 2005 pending on the file of the Hon'ble CCB/CBCID Metropolitan Magistrate Court at Egmore Chennai, against the petitioners.

2. The case of the prosecution is that the first petitioner informed the defacto complainant that he is selling gold biscuits which he used to purchase through auction sale. On believing the words of the first petitioner, the defacto complainant gave Rs.12,50,000/ to the first petitioner. It is the case that the on receiving the money the first petitioners failed to supply the gold to the defacto complainant. Hence, the defacto complainant gave a complaint to the first respondent



herein. On the basis of the complaint, a case was registered in Cr. No.506/2005 under Section 406, 420 r/w 34 IPC. The respondent police has filed charge sheet before the CCB / CBCID Metropolitan Magistrate Court, Egmore, Chennai.

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3. The learned counsel for the petitioners submitted that compromise was entered between the defacto complainant and the petitioners and as per the compromise the complainant received Rs.4,00,000/- through Demand Draft bearing No.003029 drawn on Axis Bank dated 02.12.2021 as full and final settlement. Hence, the petitioners have filed this petition to quash the charge sheet in C.C.No.20849 of 2005.

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 status report dated 24.01.2022 has been filed by the first respondent before this Court. The 2nd respondent and the first petitioner is present through Video conferencing. In the status report, it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in C.C. No.20849 of 2005. 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 Gujraht), 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.126 of 2020, pending on the file of the learned Judicial Magistrate Court, Ambattur, Thiruvallur.

7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.20849 of 2005, pending on the file of the Hon'ble CCB/CBCID Metropolitan Magistrate Court at Egmore, Chennai, is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

jas/bkn



To

1.The CCB/CBCID Metropolitan Magistrate Court,
Egmore, Chennai.

2.The Inspector of Police,
Chennai CCB,
Chennai.
Crime No.506 of 2005.

3.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.M.Jaikumar, Advocate Sr.No.4341

CRL.O.P.No.26011 of 2021
and
CRL.M.P.No.14381 of 2021

SSN(CO)
RVM(10/02/2022)