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Crl.O.P No. 27589 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.27589 of 2022

1.P.Logesh

2.P.Gowtham

... Petitioners

Vs.

1. State represented by

The Sub-Inspector of Police,

H-2, Guduvancherry Police Station,

FIR.No.725/2021.

... 1st respondent / complainant

2. B.Parasuraman

... 2nd Respondent/
Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the entire records of Charge Sheet No.165/2021 in CC.No.640 of 2022 pending for Trial before the learned Judicial Magistrate II, Chengalpet and quash the same.

For Petitioners : Mr.K.Karthick

For Respondent-1 : Mr. E.Raj Thilak

Additional Public Prosecutor

For Respondent-2 : Mr.B.Parasuraman

Party-in-Person



ORDER

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This Criminal Original Petition has been filed to call for the entire records pertaining to Charge Sheet No.165/2021 in CC.No.640 of 2022 pending for Trial before the learned Judicial Magistrate II, Chengalpet and quash the same.

2. The case of the prosecution is that the *defacto* complainant is the father of the petitioners/A1 and A2. He had given a complaint stating that both the accused had abused and threatened the *defacto* complainant in filthy language and beaten him with the wooden log.

3. When the matter is taken up today, the learned counsel for the petitioners submitted that they had never committed any mistake. Both the petitioners are the sons of the *defacto* complainant. The matter has been amicably settled between themselves. They have also filed a Joint Compromise Memo dated 03.10.2022.

4. The *defacto* complainant, who is the father of the petitioners and the



petitioners are present today and agreed that they have settled the dispute.

The petitioners and the *defacto* complainant were identified by Ms.K.Anandajothi, SubInspector of Police, H-2, Guduvancherry Police Station, Chennai. They accepted that the statements in their Joint Compromise Memo is true and have understood the contents of the Joint Compromise Memo and signed it by themselves without any coercion or influence.

5. The *defacto* complainant stated that the accused are his sons and he had given the complaint due to some misunderstanding.

6. Under such circumstances, no useful purpose will be served in keeping the First Information Report 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 Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. is inclined to quash the Charge Sheet No.165/2021 in CC.No.640 of 2022 pending for Trial before the learned Judicial Magistrate II, Chengalpet.



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jrs

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7. In the result, this Criminal Original Petition is **allowed** and as a sequel, the further proceedings in Charge Sheet No.165/2021 in CC.No.640 of 2022 pending for Trial before the learned Judicial Magistrate II, Chengalpet, is quashed in view of the Joint Compromise Memo filed by the parties. The Joint Compromise Memo filed by the parties dated 03.10.2022, shall form part of this order. Consequently, connected miscellaneous petition is closed.

11.11.2022

Index : Yes/No
Speaking Order : Yes / No

jrs

To:

1. The Judicial Magistrate II, Chengalpet.
2. The Sub-Inspector of Police,
H-2, Guduvancherry Police Station.
3. The Public Prosecutor,
Madras High Court.

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