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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.27072 of 2017
&
CRL.M.P.Nos.2023 & 3674 of 2018 &
15532 & 15533 of 2017

1.Sree Kanth
2.Sreenanth ...Petitioners/Accused

Versus

1.State Represent by
Inspector of Police,
B-1, North Beach Police Station,
Chennai.

2.M.Sudhakar ... Respondents/Complainant
(R2 is impleaded as per the
order of this Hon'ble Court
dated 16.02.2018 made in
Crl.M.P.No.124/2018 in
Crl.O.P.No.27072/2017)

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in respect of the charge sheet filed by the respondent police in C.C.No.3197/2017 on the file of VII Metropolitan Magistrate Court, George Town Chennai and quash the same in view of the above mention grounds.

For Petitioners: Mr.D.Rajagopal

For Respondent : Mr.A.Damodaran
No.1 Additional Public Prosecutor

For Respondent : Mr.M.Sudhakar
No.2

O R D E R

This criminal original petition has been filed to call for the entire records in respect of the charge sheet filed by the respondent police in C.C.No.3197/2017 on the file VII

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Metropolitan Magistrate Court, George Town Chennai and quash the same.

2.The case of the prosecution is that the second respondent/defacto complainant is the brother-in-law of the petitioners. The defacto complainant married the sister of the petitioners. Due to matrimonial dispute, both living separately during August 2017. On 30.08.2017 at about 2.30 p.m. the petitioners came to the defacto complainant's house and abused in filthy and unparliamentary words and also attacked the defacto complainant and caused injuries all over the body, thereafter, admitted in Government Stanley Hospital and taken treatment for more than 15 days. Hence, he preferred a complaint against the petitioners and FIR was registered in Crime No.1160 of 2017 for offences under Sections 448, 294(b), 323 & 506 (1) IPC. On completion of enquiry, the first respondent police filed charge sheet before the VII Metropolitan Magistrate Court, George Town, Chennai, which was taken on file in C.C.No.3197 of 2017.

3.The petitioners are brothers-in-law of the defacto complainant. The petitioners sister viz., Sreelekha was given in marriage to the defacto complainant. Thereafter, due to some misunderstanding, a complaint was filed and FIR registered. Thereafter, Final Report filed. Now, the issue has been resolved between them. The defacto complainant and his wife admits the same. The defacto complainant and the petitioners' sister are living happily together and they are visiting and celebrating occasions together. The 2nd respondent /defacto complainant physically present before this Court and the petitioners present through Video conferencing. In view of the compromise entered between them, a memo of compromise dated 28.02.2022 was filed by the petitioners and the second respondent/defacto complainant, which is extracted hereunder;

> "1.The 2nd respondent/defacto complainant herein lodged a complaint before the 1st respondent police and the same was registered in Crime No.1160/2017. Then after investigation the 1st respondent herein filed charge sheet as against the petitioners for the offences u/s 448, 294(b), 325, 506(i) IPC before the VIIth Metropolitan Magistrate Court, George Town, Chennai. As against which the petitioners herein filed the present quash petition to quash the charge sheet.
>
> 2.It is submitted that, the 2nd respondent/defacto complainant is none other than the brother-in-law of the petitioners. The wife of defacto complainant is the sister

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of petitioners. It is further submitted that matrimonial dispute arise between the defacto complainant and his wife and a complaint was lodged by the 2nd respondent/defacto complainant stating that he was assaulted by the petitioners and the same was lodged before the 1st respondent police.

3.The defacto complainant is the brother-in-law of the petitioners. Owing to matrimonial dispute a complaint was filed. Now the petitioner's sister is living with the defacto complainant. The petitioners herein deeply regret for the untoward incidents happened previously between them and the defacto complainant. The petitioners tender apologies for the same. The petitioners herein will not interfere with the life of the defacto complainant and decided to settle the matter amicably among them.

4.The defacto complainant accepts the apology and decided to settle the issues amicably and has no objection to quash the charge sheet in C.C.No.3197/2017 and allow the petition in Crl.O.P.No.27072/2017.

Therefore, it is prayed that this Hon'ble High Court may be pleased to accept this compromise memo and pass appropriate orders”

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.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 Gujrath), 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 Crl 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the case in C.C.No.3197 of 2017, pending on the file of the VII Metropolitan Magistrate Court, George Town, Chennai.

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6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.3197 of 2017, pending on the file of the VII Metropolitan Magistrate Court, George Town, Chennai, is quashed and the terms of compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IX)

//True copy//

Sub Assistant Registrar

mpl/sms

To

1. The VII Metropolitan Magistrate,
George Town, Chennai.

2. -do- Through The Chief Metropolitan Magistrate,
Chennai-8.

3.The Inspector of Police,
B-1, North Beach Police Station,
Chennai.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Rajagopal, Advocate SR.No.13606

+1cc to Mr.N.Senthilvelan, Advocate SR.No.13276

CRL.O.P.No.27072 of 2017
&
CRL.M.P.Nos.2023 & 3674 of 2018 &
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BR(CO)
GMY(14/03/2022)

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