



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.868 of 2023

C.Arun Kumar

... Petitioner

Vs.

The State, represented by
the Inspector of Police
T4, Maduravoyal Police Station,
Chennai.

2.N.M.Prabhoo

.. Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to CC.No.250 of 2017 pending trial on the file of the Judicial Magistrate No.II, Poonamallee and quash the same.

For Petitioner : Mr.R.Karthik
For Respondents : Mr.S.Santhosh, Govt. Advocate for R1.
Mr.Arfat Mohammed, for R2.

ORDER

This Criminal Original Petition is filed to call for the records relating to CC.No.250 of 2017 on the file of the Judicial Magistrate No.II, Poonamallee and to quash the same.



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2. When the matter is taken up today, the learned counsel for the petitioner and the second respondent/defacto complainant has filed a joint compromise memo signed by both the parties along with their respective counsel on record.

3. It is submitted that the petitioner and the second respondent entered into a memo of understanding on 04.07.2022, as per the terms of the memo of understanding the petitioner agrees to pay a sum of Rs.17lakhs to the second respondent and handed over a demand draft for a sum of Rs.3,00,000/- dated 02.07.2022 and the balance amount was paid on three instalments by way of demand drafts for Rs.4,00,000 dated 26.08.2022, Rs.5,00,000/- dated 28.09.2022 and Rs.5,00,000/- dated 31.10.2022 respectively. Further, it is stated in the Joint Memo of Compromise that in view of the settlement between the petitioner and the second respondent/defacto complainant, the second respondent/defacto complainant does not want to proceed with the case and he wanted to settle the dispute amicably and to put an end to the proceedings. The second respondent/defacto complainant has also stated no objection for quashing the



proceedings in C.C.No.250 of 2017 pending on the file of the Judicial Magistrate No.II, Poonamallee.

4. Today, both the petitioner and the second respondent/defacto complainant are present before this Court and they were enquired about the joint memo of compromise. Both of them reiterated that the amount misappropriated by the petitioner was repaid by the petitioner to the second respondent/defacto complainant.

5. The learned Government Advocate (Crl.Side) for the first respondent submitted that the case is at the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromised the dispute amicably among themselves.

6. It is seen from records/CD file produced by the first respondent that a sum of Rs.2,00,000/- has been recovered from the petitioner and deposited before the Judicial Magistrate No.II, Ponnammallee in P.I.No.101 of 2013 dated 13.03.2013 and the petitioner is entitled for the aforesaid amount. The second respondent/defacto complainant has also stated no objection in



repaying the amount to the petitioner. The second respondent/defacto complainant shall not have any claim over this amount and shall co-operate in all means for the petitioner in withdrawing the aforesaid amount.

7. Considering the fact that the second respondent does not want to prosecute the case against the petitioner and that he has no objection for quashment of proceedings and also considering that the offences are compoundable offence, no useful purpose will be served in keeping the proceeding in C.C.No.250 of 2017 pending.

8. In the light of the guidelines issued by the Hon'ble Apex Court in the case 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**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the proceedings in C.C.No.250 of 2017.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.250 of 2017 pending, on the file of the



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learned Judicial Magistrate No.II, Poonamallee is quashed and the terms of joint compromise memo shall form part and parcel of this order.

19.01.2023

tsh

Internet : Yes/No

Index : Yes/No

Speaking/Non Speaking Order

To

1. The Judicial Magistrate No.II, Poonamallee

2. The Inspector of Police
T4, Maduravoyal Police Station,
Chennai.

3. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.,

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