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Crl.OP.No.8396 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.8396 of 2022

1.Dr.J.Joel

2.J.Livingston @ Sekhar

... Petitioners

Vs.

1.State rep by its

The Sub Inspector of Police,
Central Crime Branch,
Egmore, Chennai 600 008

2.Chakkravarthy Daniel

... Respondents

PRAYER: Criminal original petition is filed under Section 482 of Cr.P.C. to call for the records in CC.No.108 of 2008 on the file of the Judicial Magistrate Court No.I, Tambaram, Chennai 600 045 and to quash the same.

For Petitioners

: Mr.S.Ezhilraj

For Respondents

For R1

: Mr.A.Gopinath,
Government Advocate(Crl.side)

For R2

: Ms.T.Hemalatha



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in CC.No.108 of 2008 on the file of the Judicial Magistrate Court No.I, Tambaram, Chennai thereby taken cognizance for the offence Sections 406, 420 r/w 34 and r/w 109 of IPC as against the petitioners.

2. Though the case is in the stage of trial, by passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. A Memorandum of Compromise has been filed before this Court which have been signed by the parties concerned. This Court is also satisfied that the parties have come to an amicable settlement between themselves. The Memorandum of Compromise dated 29.08.2021 is extracted hereunder:

We, 1) Mr. C.Daniel and Mrs.Sulochana C.Daniel, aged about 72 years and residing at 'Alpha Gardens', No.211, Velachery Main Road, Selaiyur, Chennai- 600 073, hereinafter called the FIRST PARTIES and 2) Mr. J. Joel and Mr.J.Sekahar Livingston S/o. J.M. Jayamoney, aged about 72 and 74 years respectively and residing at No.7, Jeba Maaligai Street,



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Railway Feeder Road, Palayamkottai, Tirunelveli-627 002, hereinafter called the SECOND PARTIES both the parties have agreed to compromise the matter in the following terms:

1. The terms First Parties and Second Parties shall mean and include its heirs, executors, administrators, successors and assigns of each PARTY.

2. That, a lot of problems and difference of opinion arose between us leading to exchange of notices, filling number of cases, filling compliant to Government Authorities from either side, over a long period of time in two decades, causing worry, annoyance, shock, confusion, health disorder and etc., to either side don't claim land and money.

3. That, both of us felt, for permanent solution to the above said misery arose between.

4. That, we hereby ready and willing sink over differences and start a new life for the interest and welfare of all the Parties concern.

5. Any third PARTIES or any other dement cannot interfere in our peaceful dealings hereafter.

6. That, Cases, Complaints, Criminal Complainants notices filed by either side against each other and related to each other will be withdrawn, on the necessary steps to be taken by both of us and we hereby undertake, that in future neither PARTIES should not file any cases or cases, as the case may be against either of us, which is always binding on us.



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7. *The First and Second shall withdraw any Cases, Complaint, Notices and etc., against each other including case against Mr.S.Maguthu Meeran and Mrs.Diwan Beevi residing at No.6/1/75, Middle Street, Achanputhur Village, Kadayanallur Taluk, Tenkasi District.*

8. *The First Parties agree to withdraw Pending cases against Second Parties such as CC No.108 of 2008, CC No.6902 of 2014, AS No.23 of 2015 and AS No.24 of 2015. The Second Parties also agree to withdraw pending cases against First Parties such as O.S.No.273 of 2019 and CC No.234 of 2015 (filed by G.Jayapaul David).*

9. *The First and Second PARTIES and any Third Parties shall not oppose any Court Cases, Complaints, Notices and etc.,*

4. Under such circumstances, no useful purpose will be served in keeping the present proceedings 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 impugned proceedings.

5. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the entire proceedings in CC.No.108 of 2008 on the file of the



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Judicial Magistrate Court No.I, Tambaram, Chennai is quashed and the terms
of Memorandum of Compromise dated 29.08.2021 shall form part and parcel
of this Order.

30.11.2023

Index : Yes/No
Internet : Yes/No
Speaking order/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The learned Judicial Magistrate Court No.I,
Tambaram, Chennai
- 2.The Sub Inspector of Police,
Central Crime Branch,
Egmore, Chennai 600 008
- 3.The Government Advocate,
High Court of Madras

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