



CrI.O.P.No.17809 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.17809 of 2023

and

CrI.M.P.Nos.11719 & 11720 of 2023

1.Annadurai
2.A.Parthiban
3.A.Bavya

...Petitioners

VS.

1.The State rep by
The Sub-Inspector of Police
EDF-I, Team II, CCB,
Vepery, Chennai 600007

2.E.Dhanasekaran

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in C.C.No.1564 of 2022 pending before the Special Judge, Metropolitan Magistrate, Exclusive Trial for CCB & CBCID Cases, Egmore, Chennai 600 008, to quash the same.



WEB COPY



CrI.O.P.No.17809 of 2023

For Petitioners : Mr.A.Maragathavel

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor, for R1

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the proceedings in C.C.No.1564 of 2022, pending on the file of the learned Special Judge, Metropolitan Magistrate, Exclusive Trial for CCB and CBCID cases, Egmore, Chennai and quash the same.

2. 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.

3.The Joint Memo of Compromise and the affidavit of second respondent have been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present before this Court. In the joint



CrI.O.P.No.17809 of 2023

compromise memo, it has been stated that the petitioners and the second respondent had entered into a compromise and amicably settled their issues in C.C.No.1564 of 2022. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. 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 CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in C.C.No.1564 of 2022, pending on the file of the learned Special Judge, Metropolitan Magistrate, Exclusive Trial for CCB and CBCID cases, Egmore, Chennai.

5. Further it was brought to the notice of this Court that when the petitioners 1 and 2 were granted bail, a condition was imposed directing the petitioners to deposit a sum of Rs.5,00,000/-. Accordingly, the said amount was



CrI.O.P.No.17809 of 2023

deposited to the credit of the Crime No.173 of 2014 before the Chief Metropolitan Magistrate Court, Egmore, Chennai.

6. The learned counsel for the petitioner submitted that the *de facto* complainant can be permitted to withdraw the said amount deposited by the petitioner. In view of the same, it is left open to the *de facto* complainant to file an appropriate memo before the concerned Court and seek withdrawal of the amount that has been deposited in Crime No.173 of 2014 and the same memo shall be entertained and the *de facto* complainant shall be permitted to withdraw the amount.

7. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.1564 of 2022, pending on the file of the learned Special Judge, Metropolitan Magistrate, Exclusive Trial for CCB and CBCID cases, Egmore, Chennai, is quashed and the terms of affidavit shall form part and parcel of this order. Each of the petitioners shall pay a sum of Rs.1,500/- (Rupees One Thousand Five Hundred only) as costs, to the credit of the **President, Advocates Clerk Association, Ponneri, Ponneri Taluk, Thiruvallur District, (The Kancheepuram Central Co-operative Bank Ltd., Ponneri Branch, A/c No.717907005 IFSC Code:TNSC0010200).** within a



CrI.O.P.No.17809 of 2023

period of two week from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry. Consequently, the connected miscellaneous petitions are also closed.

08.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
nsa

To

- 1.The Special Judge,
Metropolitan Magistrate,
Exclusive Trial for CCB & CBCID Cases,
Egmore, Chennai 600 008.
- 2.The Sub-Inspector of Police
EDF-I, Team II, CCB,
Vepery, Chennai 600007
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



CrI.O.P.No.17809 of 2023

N. ANAND VENKATESH, J.

nsa

CrI.O.P No.17809 of 2023
and CrI.M.P.Nos.11719 & 11720 of 2023

08.08.2023