



Crl.O.P.Nos.8630 & 18048 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.8630 and 18048 of 2022

and

Crl.M.P.No.5021 & 11934 of 2022

1. Rajaprakash

2. Francis

3. Sagayam

4. Prabha

.. Petitioners/Accused 1-3&5
in Crl OP No.8630 of 2022

5. Arum

...Petitioner /Accused No.4
in Crl OP No.18048 of 2022

Vs.

1. The State Rep. by,
The Inspector of Police,
All Women Police Station,
Chennai District

..Respondent /Complainant

2. Ruby Rajathi @ Daina .. Respondent/Defacto complainant

COMMON PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in CC No.16 of 2021 pending on the file of the Judicial Magistrate No.1,



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Poonamalle in Crime No.06 of 2018.

For Petitioners : Mr.S.Silambuselvan
in both Crl OPs
For Respondent No.1 : Mr.A.Gopinath
Government Advocate (Crl Side)
For Respondent No.2 : Mr.K.Nagarajan
in both Crl OPs

ORDER

These Criminal Original Petitions have been filed to call for the records pertaining to the proceedings in CC No.16 of 2021, pending on the file of Judicial Magistrate No.1, Poonamallee 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 Common compromise affidavit has been filed by the



2nd respondent/de-facto complainant before this Court. The petitioners and the second respondent were also present in person before this Court and they were identified by Mrs.V.Saroja, Special Sub-Inspector of Police, W29, All Women Police Station, Avadi. In the affidavit, it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in CC No.16 of 2021. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. The defacto complainant who was present before this Court stated that the memory card which formed part of the mobile phone and in which, the conversations were recorded and photos were taken is yet to be handed over to her. The learned Government Advocate on instructions submitted that such a memory card was not recovered from the accused persons during the course of investigation. The learned counsel for petitioners submitted that the memory card is not available with the



petitioners. The said stand taken by the petitioners is hereby recorded. It is made clear that if in future the memory card is found to be available with the accused persons and the same is any where misused by them, this Court will initiate contempt proceedings against the petitioners / accused persons for making a false statement before the Court. This observation made by this Court will sufficiently safeguard the interest of the defacto complainant. One of the terms of the settlement was that a sum of Rs.50,000/- will be handed over to the defacto complainant and the said amount was handed over today in the Court.

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 Suprme Court in **The State of Madhya Pradesh v. Dhruv**



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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.16 of 2021, pending on the file of Judicial Magistrate No.1, Poonamallee.

6. These Criminal Original Petitions stand allowed and as a sequel, the proceedings in C.C.No.16 of 2021, pending on the file of Judicial Magistrate No.1, Poonamallee, is quashed and the terms of affidavit shall form part and parcel of this order. Consequently, the connected miscellaneous petitions are closed.

21.07.2023

Index : Yes/No

Speaking order:Yes/No

Neutral citation:Yes/No

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To

1. The Judicial Magistrate No.1, Poonamallee
2. The State Rep. by,
The Inspector of Police,
All Women Police Station,
Chennai District.
3. The Public Prosecutor, High Court, Madras



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N.ANAND VENKATESH, J

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