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Crl.O.P No.18187 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.18187 of 2023

1.Kumar
S/o.Chinnadurai

2.Kalaimani
S/o.Kaliyaperumal

... Petitioners

vs.

1.The State rep by
The Inspector of Police,
Sendurai Police Station,
Ariyalur District.
(Crime No.23 of 2022)

2.Shanmuga Sundaram
S/o.Somasundaram

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in S.C.No.33 of 2023 on the file of Chief Judicial Magistrate, Ariyalur and quash the same.

For Petitioners : Mr.R.Gokulakrishnan

For Respondent-1 : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

The Criminal Original Petition has been filed to call for the records pertaining to the proceedings in S.C.No.33 of 2023, pending on the file of Chief Judicial Magistrate, Ariyalur 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. A Joint Memo of Compromise dated 02.08.2023 signed by both petitioners and second respondent/*de facto* complainant has been filed before this Court. A compromise affidavit has also been filed by the second respondent/de-facto complainant before this Court. The petitioners and second respondent were also present in person before this Court and they were identified by Mr.S.Prabhu, HC, Sendurai Police Station, Ariyalur District. 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 S.C.No.33 of 2023.



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4. The de-facto complainant Shanmuga Sundaram was present before this Court. This Court enquired him as to whether the alleged incident had happened on 25.01.2022 as stated in the complaint. The second respondent categorically stated that no such incident took place and that the respondent Police took a complaint from him and he was not even aware as to what was written in the complaint. He further stated that the petitioners are known to him and they belong to the same place.

5. In a case of this nature, which involves offences under Sections 392 and 397 of I.P.C., this Court normally quash the proceedings. However, the specific stand taken by the second respondent clearly shows that the case ultimately will end up only in acquittal. That apart, it is stated that there is one previous case against the petitioners under the Gaming Act. In the peculiar facts of this case, this Court is inclined to exercise its jurisdiction under Section 482 of Cr.P.C.

6. 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



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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 S.C.No.33 of 2023, pending on the file of Chief Judicial Magistrate, Ariyalur.

7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.33 of 2023, pending on the file of Chief Judicial Magistrate, Ariyalur, is quashed and the terms of affidavit shall form part and parcel of this order.

11.08.2023

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



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To

WEB COPY

- 1.The Chief Judicial Magistrate,
Ariyalur.
- 2.The Inspector of Police,
Sendurai Police Station,
Ariyalur District.
- 3.The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH, J.

rsi

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