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[IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.15190 of 2023

1.M/s.Soletech Equipments
No.27/12, Cresent Park Street,
T.Nagar, Chennai – 600 017,
Rep. by its Proprietor Mr.T.Sriraman

2.T.Sriraman

Petitioners

vs.

1.The State rep. by
The Inspector of Police,
Central Crime Branch, Team-II,
Egmore, Chennai.

2.D.Kabilan

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.5065 of 2020 pending before the CCB and CBCID Metropolitan Magistrate's Court, Egmore, Chennai and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.V.Palanikumar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
for R1

Mr.D.Kabilan for R2



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ORDER

The Criminal Original Petition has been filed to call for the records pertaining to the proceedings in C.C.No.5065 of 2020, pending on the file of CCB and CBCID Metropolitan Magistrate's Court, 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 compromise affidavit has been filed by the 2nd respondent/de-facto complainant before this Court. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.R.Rajeshwaran, Sub Inspector of Police, CCB (Mobile:8973492986]. 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 C.C.No.5065 of 2020. 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 Gujrat)**, 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.5065 of 2020, pending on the file of CCB and CBCID Metropolitan Magistrate's Court, Egmore, Chennai.

5.The amount that has been deposited by the petitioners in C.C.No.5065 of 2020 before the CCB and CBCID Metropolitan Magistrate's Court, Egmore, Chennai shall be permitted to be withdrawn along with accrued interest by the 2nd respondent by entertaining a memo from the 2nd respondent in this regard.

6.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.5065 of 2020, pending on the file of CCB and CBCID Metropolitan Magistrate's Court, Egmore, Chennai. is quashed and the terms of affidavit shall form part and parcel of this order. The petitioner shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as costs, to the credit of the **President, Tamil Nadu Advocates Clerk Association, Madras High Court.**



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Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC

Code:IDIB000M157), within a period of two weeks from today and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

10.07.2023

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



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- 1.The CCB and CBCID Metropolitan Magistrate's Court,
Egmore, Chennai.
- 2.The Inspector of Police,
Central Crime Branch, Team-II,
Egmore, Chennai.
- 3.The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH., J.

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