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Crl.O.P.No.13829 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.13829 of 2023

Vetrikumar

.. Petitioner

Versus

1. The State represented by
The Inspector of Police,
T12 Poonamallee Police Station,
Chennai District.
(Crime No.682 of 2016)

2. Radhakrishnan

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue a direction to call for the records pertaining to the charge sheet in C.C.No.492 of 2016 on the file of the learned Judicial Magistrate No.II, Poonamallee and quash the same as illegal since the matter has been settled amicably outside the Court between the petitioner and defacto complainant.

For Petitioner : Mr.V.Manikandan

For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side)
for R1



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: Mr.P.Vetrivel for R2

ORDER

The Criminal Original Petition has been filed to call for the records pertaining to the charge sheet in C.C.No.492 of 2016 on the file of the learned Judicial Magistrate No.II, 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 affidavit, dated 01.06.2023 of the second respondent / de-facto complainant and joint memo of compromise entered into between the parties have been filed before this Court. The parties were also present in person before this Court and they were identified by Mr.N.Saravanan, Special Sub-Inspector of Police, T-12, Poonamallee Police Station, Chennai. In the affidavit, it has been stated that the parties have entered into a compromise and amicably settled their issues in C.C.No.492 of 2016. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



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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 Crl 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the case in C.C.No.492 of 2016, pending on the file of the learned Judicial Magistrate No.II, Poonamallee.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.492 of 2016, on the file of the learned Judicial Magistrate No.II, Poonamallee, is quashed and the terms of affidavit shall form part and parcel of this order. The petitioner shall pay a sum of Rs.1000/- (Rupees One thousand only) as costs, to the credit of the **President, Tamil Nadu Advocates Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC**



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

17.07.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Judicial Magistrate No.II,
Poonamallee.
2. The Public Prosecutor,
High Court of Madras.
3. The Inspector of Police,
T12 Poonamallee Police Station,
Chennai District.



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N.ANAND VENKATESH, J.

grs

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