



CrI.O.P.No.16109 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.16109 of 2023

and

CrI.M.P.No.10133 of 2023

1. Kirubakaran
2. Gopinath
3. Chandran
4. Ezhilarasan

.. Petitioners

Vs.

1. The State Rep. by,
Inspector of Police,
E-5, Koovathur Police Station,
Kancheepuram District now Chengalpattu District.
(Crime No.39 of 2019)

2. Mr.Haridass

.. Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings in Crime No.39 of 2019, pending investigation on the file of the 1st respondent.



For Petitioners : Mr.K.Durai Murugan

For Respondent No.1 : Mr.A.Gopinath
Government Advocate (Crl Side)

For Respondent No.2 : Mr.K.Karthik

ORDER

The Criminal Original Petition has been filed to call for the records pertaining to the proceedings in Crime No.39 of 2019 pending on the file of 1st respondent and quash the same.

2. The case is still at the stage of investigation. 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 petitioners and 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 Mr.R.Franvin Dani, Inspector of Police, Koovathur Police station, Kancheepuram



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 Crime No.39 of 2019. 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 Crime No.39 of 2019, pending on the file of 1st respondent.

5.This Criminal Original Petition stands allowed and as a



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sequel, the investigation in Crime No.39 of 2019 pending on the file of 1st respondent is quashed and the terms of affidavit shall form part and parcel of this order. The petitioner shall pay a sum of Rs.1,000/- (Rupees one thousand only) each 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 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. Consequently, the connected miscellaneous petition is closed.

18.07.2023

Index : Yes/No
Speaking order:Yes/No
Neutral citation:Yes/No
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1. The Inspector of Police,
E-5, Koovathur Police Station,
Kancheepuram District now Chengalpattu District.
2. The Public Prosecutor,
High Court, Madras



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N.ANAND VENKATESH, J

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