



CrI.O.P.No.22963 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.22963 of 2022

1.K.Jayakumar

2.J.Geetha

... Petitioners

Vs.

1.The State rep. by
The Inspector of Police,
District Crime Branch,
Krishnagiri.
(Crime No.5 of 2019)

2.Venkateswaran

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to call for the records of the case in C.C.No.198 of 2020, on the file of Judicial
Magistrate No.2, Krishnagiri, quash the same.

For Petitioners : Mr.S.V.Karthikeyan

For Respondent : Mr.S.Santhosh for R1
Government Advocate (Criminal side)
Mr.S.Bharathi Rajan



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ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.198 of 2020 pending on the file of the Judicial Magistrate No.2, Krishnagiri.

2. The learned counsel for the petitioners submitted that the petitioners 1 and 2 are present and the second respondent/*de-facto* complainant is also present before this Court. It is further submitted that the petitioners and the second respondent have resolved their dispute and the second respondent has no objection for quashing the same. Hence, the present petition has been filed.

3. The learned Government Advocate (Crl.Side) for the first respondent submitted that the case is at the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromised the dispute amicably among themselves.

4. A Joint Memo of Compromise has been filed before this Court, which has been signed by the petitioners and the second respondent.



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5. According to the joint compromise memo, the petitioners shall not claim the jewels, which were handed over to the second respondent by an order of the learned Judicial Magistrate -II, Krishnagiri and that the second respondent shall withdraw a sum of Rs.6,00,000/- deposited by the petitioners before the learned Judicial Magistrate -II, Krishnagiri to the credit of Crime No.5 of 2019. The petitioners shall not have any claim over this amount and shall co-operate in all means for the second respondent in withdrawing the aforesaid amount.

6. The petitioners and the second respondent were also present in person before this Court and they were identified by **Ms.P.Savithri, Grade II, PC 1616, Distict Crime Branch, Krishnagiri**. This Court also enquired both the parties and is satisfied that the parties have come to an amicable settlement between themselves. The second respondent answered this Court, that in order to maintain a healthy and peaceful life, he does not want to prosecute the case against the petitioners and he has no objection for quashing the proceedings in C.C.No.198 of 2020 pending on the file of the Judicial Magistrate No.2, Krishnagiri.



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7. At this juncture, learned counsel for the second respondent submitted that the second respondent had already got the jewels worth about 8 ¼ Sovereign. He would also file necessary application before the Trial Court to withdraw the sum of Rs.6,00,000/-, deposited by the petitioners before the Trial Court. The second respondent has no objection in quashing the proceedings in C.C.No.198 of 2020.

8. Considering the fact that the second respondent does not want to prosecute the case against the petitioners and that he has no objection for quashment of proceedings and also considering that the offences are compoundable offence, no useful purpose will be served in keeping the proceeding in C.C.No.198 of 2020 pending.

9. In the light of the guidelines issued by the Hon'ble Apex Court in the case of **Gian Singh vs. State of Panjab and another** reported in (2012)10 SCC 303 and **Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath**) reported in (2017)9 SCC 641, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the proceedings in C.C.No.198 of 2020.



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10. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.198 of 2020 pending, on the file of the learned Judicial Magistrate No.2, Krishnagiri is quashed and the terms of joint compromise memo shall form part and parcel of this order.

06.01.2023

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Index: Yes/No

Speaking/Non speaking order

To

1. The Judicial Magistrate No.2, Krishnagiri.

2. The Inspector of Police,
District Crime Branch,
Krishnagiri.

3. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

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