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CrI.O.P No.18311 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.18311 of 2023

P.S.Nithaish

... Petitioner

VS.

1.State Rep by:

The Inspector of Police,
W-35, Tambaram All Women Police Station,
Tambaram City.
(Crime No.28/2015)

2.Rajalakshmi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in concern C.C.No.146 of 2017 on the file of learned Judicial Magistrate-I, Tambaram, Chengalpattu District and quash the same.

For Petitioner : Mr.A.T.Anbu Kumar

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



CrI.O.P No.18311 of 2023

WEB COPY

ORDER

The Criminal Original Petition has been filed to call for the records pertaining to the proceedings in C.C.No.146 of 2017, pending on the file of Judicial Magistrate Court No.I, Tambaram, Chengalpattu District 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 03.08.2023 signed by both petitioner and second respondent/*de facto* complainant and their respective counsel has been filed before this Court. A compromise affidavit has also been filed by the second respondent/de-facto complainant before this Court. The petitioner and second respondent were also present in person before this Court. In the affidavit it has been stated that the petitioner and the second



Crl.O.P No.18311 of 2023

WEB COPY

respondent have entered into a compromise and amicably settled their issues in C.C.No.146 of 2017, pending on the file of Judicial Magistrate Court No.I, Tambaram, Chengalpattu District.

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 Suprme 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.146 of 2017, pending on the file of Judicial Magistrate Court No.I, Tambaram, Chengalpattu District.



CrI.O.P No.18311 of 2023

WEB COPY

5. This Criminal Original Petition stands allowed and as a sequel,

the proceedings in C.C.No.146 of 2017, pending on the file of Judicial

Magistrate Court No.I, Tambaram, Chengalpattu District 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

To

1.The Inspector of Police,
W-35, Tambaram All Women Police Station,
Tambaram City.

2.The Judicial Magistrate No.I,
Tambaram,
Chengalpattu District.

3.The Public Prosecutor,
High Court of Madras,
Madras.



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Crl.O.P No.18311 of 2023

N. ANAND VENKATESH, J.

rsi

Crl.O.P No.18311 of 2023

11.08.2023