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Crl.O.P.Nos.24237 & 21821 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P Nos.24237 & 21821 of 2022

and

Crl.M.P.No.14113, 14264, 15358 & 15359 of 2022

1.Palanivel
2.Senthilkumar
3.Loganathan

...Petitioners in Crl.O.P.No.24237 of 2022

1.Rajavelu
2.Dinesh Kumar

...Petitioners in Crl.O.P.No.21821 of 2022

vs.

1.The State Rep.by
The Inspector of Police,
District Crime Branch,
Coimbatore District.

2.Sivasankar

...Respondents in both OPs

COMMON PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the case in C.C.No.479 of 2020 on the file of the learned Judicial Magistrate VI, Coimbatore and quash the same.



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For Petitioners
in both OPs : Mr.M.Guruprasad

For Respondents
in both OPs : Mr.A.Gopinath,
Government Advocate,
for R1

Mr.G.Naresh Kumar for R2

COMMON ORDER

These Criminal Original Petitions have been filed to call for the records relating to the case in C.C.No.479 of 2020 on the file of the learned Judicial Magistrate VI, Coimbatore and quash the same.

2. These cases are 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 Joint Memo of Compromise have been filed before this Court which have been signed by the petitioners and the second respondent in both the petitions and also by their respective counsel. The petitioners and the second respondent in both the petitions were present before this Court. In the joint



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compromise memo and consent affidavit, it has been stated that the petitioners and the second respondent had entered into a compromise and amicably settled their issues in C.C.No.479 of 2020 on the file of the learned Judicial Magistrate VI, Coimbatore. 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 Crl 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in C.C.No.479 of 2020 on the file of the learned Judicial Magistrate VI, Coimbatore.

5. The learned counsel for the petitioners in both the petitions submitted that the first petitioner in Crl.O.P.No.21821 of 2022 and the first and second petitioners in Crl.O.P.No.24237 of 2022 filed the anticipatory bail petitions in Crl.O.P.No.6339 and 6340 of 2013 respectively. While granting anticipatory



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bail, vide order dated 06.08.2013, this Court directed the concerned petitioners to deposit a sum of Rs.10,00,000/- to the credit of the Crime No.4 of 2013 before the learned Judicial Magistrate I, Coimbatore. Accordingly, the said amount was deposited on 06.09.2013. To substantiate the same, a copy of the receipt was also produced before this Court.

6. Further, the learned counsel submitted that since there is a compromise between the parties, concerned petitioners may be permitted to withdraw the aforesaid amount, which is deposited in the Court below. T

7. he learned counsel for the second respondent would submit that the second respondent has no objection in the said amount from being withdrawn.

8. In view of the same, concerned petitioners are permitted to withdraw a sum of Rs.10,00,000/-, which was deposited before the learned Judicial Magistrate I, Coimbatore in Crime No.4 of 2013.

9. In the result, these Criminal Original Petitions stand allowed and as a sequel, the proceedings in C.C.No.479 of 2020 on the file of the learned Judicial Magistrate VI, Coimbatore, is quashed and the terms of affidavits shall



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form part and parcel of this order. Each of the petitioners in both petitions shall

pay a sum of Rs.1,000/- (Rupees 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

Code:IDIB000M157), within a period of one week from the date of

receipt of a copy of this order and file a photocopy of the receipt along with a

memo reporting compliance in the Registry. Consequently, the connected

miscellaneous petitions are also closed.

24.07.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

nsa

To

1. The Inspector of Police,
District Crime Branch,
Coimbatore District.
2. The Judicial Magistrate VI,
Coimbatore
3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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N. ANAND VENKATESH, J.

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