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CrI.O.P.No.1930 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.1930 of 2024

V.Prabhu

... Petitioner

Vs.

1.State Rep. by Inspector of Police
Central Crime Branch,
EDF-II, Team-IV,
Vepery, Chennai – 7 and others
(Crime No.356 of 2019)

2.P.Gopinath

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for records relating to C.C.No.3092 of 2020 pending on the file of the learned Special Judge for the Exclusive Trial of CCB and CBCID Cases, Egmore, Chennai and quash the same.

For Petitioner : Mr.A.M.Amutha Ganesh
For Respondents : Mr.A.Gopinath for R1
Government Advocate (CrI. Side)

O R D E R

The criminal original petition has been filed seeking to quash the proceedings in C.C.No.3092 of 2020 on the file of the learned Special Judge for the Exclusive Trial of CCB and CBCID Cases, Egmore,

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Chennai on the ground of compromise between the parties.

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2.When the matter came up for hearing on 05.02.2024, this Court passed the following order:

"Mr.A.Gopinath, learned Government Advocate (CrI. Side) takes notice on behalf of the first respondent.

2.It was brought to the notice of this Court that already the parties have settled the dispute before the Arbitraral Tribunal and the award has also been passed on 03.01.2024.

3.Hence, post this case under the caption 'for recording compromise' on 12.02.2024 at 2.15 p.m."

3.When the matter was taken up for hearing today, the learned counsel for the petitioner and the second respondent brought to the notice of this Court the memorandum of compromise filed by the parties before the Arbitration Tribunal and the award that was passed by the Arbitration Tribunal by recording the memorandum of compromise dated 04.12.2023.



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4.In the light of the above development, no useful purpose will be served in continuing with the criminal prosecution since the parties have already reached the compromise before the Arbitration Tribunal and an award dated 07.01.2024 has also been passed based on the compromise.

5.Hence, 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 Vs. 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 C.C.No.3092 of 2020 pending on the file of the learned Special Judge for the Exclusive Trial of CCB and CBCID Cases, Egmore, Chennai.

6.This criminal original petition stands allowed and as a sequel, the proceedings in C.C.No.3092 of 2020 on the file of the learned Special Judge for the Exclusive Trial of CCB and CBCID Cases, Egmore, Chennai, is quashed. The petitioner shall pay a sum of Rs.1,500/-



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(Rupees One Thousand and Five Hundred 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 petition is closed.

12.02.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

- 1.The Special Judge for the Exclusive Trial of CCB and CBCID Cases, Egmore, Chennai.
- 2.The Inspector of Police
Central Crime Branch,
EDF-II, Team-IV,
Vepery, Chennai – 7 and others
(Crime No.356 of 2019)
- 3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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N.ANAND VENKATESH,J.
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