



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.4653 of 2024

Sekar

.. Petitioner/Accused No.6

vs.

1.State rep.by

The Deputy Superintendent of Police
Omalar Sub Division, Salem
Salem District.

2.The Inspector of Police

Devattipatti Police Station
Salem District.
(Crime No.622 of 2018)

..Respondent 1 & 2/Complainants

3.S.Jothi

..3rd Respondent/De facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pending proceedings in Spl.SC.No.6 of 2019, on the file of the Principal District Sessions Judge, Salem and quash the same.

For Petitioner : Mr.W.Camyles Gandhi

For Respondents : Mr.A.Gopinath
Government Advocate
for R1 and R2

Mr.J.Jayan for R3

ORDER

This Criminal Original Petition has been filed to quash the proceedings in

Spl.SC.No.6 of 2019, on the file of the Principal District Sessions Judge, Salem.



2. The case is still in the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. Joint compromise affidavit of the petitioner and the 3rd respondent dated 2.01.2024, has been filed before this Court which has been signed by the petitioner and the 3rd respondent/de facto complainant and also by their respective counsel. The petitioner and the third respondent were also present in person before this Court and they were identified by V.Jegan, HC-783, Deevattipatti P.S., Salem District. In the affidavit, it has been stated that the petitioner and the third respondent have entered into a compromise and amicably settled their issues in Spl.SC.No.6 of 2019, on the file of the Principal District Sessions Judge, Salem.

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)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., to quash the proceedings in Spl.SC.No.6 of 2019, on the file of the Principal District Sessions Judge, Salem.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.SC.No.6 of 2019, on the file of the Principal District Sessions



Judge, Salem, is hereby quashed in **entirety** and the terms of Joint Compromise Affidavit shall form part and parcel of this order. The petitioner shall pay a sum of Rs.2,500-/ (Rupees two thousand five hundred and fifty only) as costs, to the credit of the **President, Tamil Nadu Advocate's 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 the date of receipt of copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

6.Post this case for reporting compliance on **19.3.2024**.

28.02.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
kp
Note: Issue order copy on **5.3.2024**

To

- 1.The Deputy Superintendent of Police
Omalur Sub Division, Salem
Salem District.
- 2.The Inspector of Police
Devattipatti Police Station
Salem District.
3. Principal District Sessions Court
Principal District Sessions Judge,
Salem.
4. The Public Prosecutor,
High Court of Madras,
Madras.

N. ANAND VENKATESH,. J.



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