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Crl.O.P.No.4793 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.4793 of 2024

S.Ajith

.. Petitioner

Vs.

1.State Rep. by,
Inspector of Police,
F-3, Nungambakkam Police Station,
Chennai District.
(Crime No.138 of 2022)

2.N.Moorthy

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating to CC.No.7373 of 2021 on the file of the XIV Metropolitan Magistrate Court at Egmore, Chennai and compromise and quash the same.

For petitioner	:	Mr.T.Balaji
For R1	:	Mr.A.Gopinath
		Government Advocate (Crl. Side)

ORDER

The Criminal Original Petition has been filed to quash the proceedings in C.C.No.7373 of 2021 pending on the file of the XIV Metropolitan Magistrate Court at Egmore, Chennai.



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.The Joint Memo of Compromise dated 20.02.2024 has been filed before this Court which have been signed by the petitioner and the 2nd respondent and also by their respective counsel. In the Joint Memo of Compromise it has been stated that the petitioner and the second respondent had entered into a compromise and amicably settled their issues in C.C.No.7373 of 2021. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4.The learned Government Advocate (Crl.Side) submitted that there is a case and counter in C.C.No.7373 of 2021 and C.C.No.7374 of 2021 and the same are pending on the file of the XIV Metropolitan Magistrate Court at Egmore, Chennai.

5.Under such circumstances, no useful purpose will be served in keeping the case pending, even though, the offences involved are not



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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.7373 of 2021 pending on the file of the XIV Metropolitan Magistrate Court, Egmore, Chennai.

6. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.7373 of 2021 pending on the file of the XIV Metropolitan Magistrate Court, Egmore, Chennai is quashed only in so far as the petitioner is concerned. The proceedings can go on in so far as the other accused persons are concerned. The terms of Joint Memo of Compromise shall form part and parcel of this order.

12.03.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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N.ANAND VENKATESH, J.

krk

To

- 1.The XIV Metropolitan Magistrate Court,
Egmore, Chennai.
- 2.State Rep. by,
Inspector of Police,
F-3, Nungambakkam Police Station,
Chennai District.
- 3.The Public Prosecutor,
Madras High Court, Chennai.

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