



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.5184 of 2024

1.Thiruvengadam

2.Geetha

.. Petitioners/Accused 1&2

vs.

1.The State of Tamil Nadu
Rep.by Inspector of Police
City Crime Branch
Coimbatore City Police
Hosur Road
Coimbatore-641 018.

1st Respondent/Complainant

(Crime No.26 of 2013)

2.Babitha @ Bavari Devi

..2nd Respondent/De facto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the case in C.C.No.323 of 2020, on the file of the Judicial Magistrate VII, Coimbatore and quash the same insofar as the petitioners are concerned.

For Petitioners : Mr.R.Bharath Kumar

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

Mr.R.Vishnu for R2

**ORDER**

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This Criminal Original Petition has been filed to quash the proceedings in C.C.No.323 of 2020, on the file of the Judicial Magistrate VII, Coimbatore.

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 learned counsel for the petitioners submitted that during the course of investigation, the passport of the 2nd respondent was seized by the 1st respondent and hence, requested this Court to direct the 1st respondent to hand over the passport to the 2nd respondent. In the light of quashing of the entire proceedings on compromise between the parties, there shall be a direction to the 1st respondent to hand over the passport to the 2nd respondent forthwith.

4. Memorandum of Compromise signed by both petitioners and the second respondent/de facto complainant and their respective counsel has been filed before this Court. Mediation Agreement dated 07.01.2014 has also been filed before this Court. An affidavit has also been filed by the second respondent/de facto complainant before this Court. The petitioners and the second respondent/de facto complainant were also present in person before this Court. In the memorandum of compromise, it has been stated that the petitioners and the second respondent



2020, on the file of the Judicial Magistrate VII, Coimbatore.

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5. 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 CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C, quash the proceedings in C.C.No.323 of 2020, on the file of the Judicial Magistrate VII, Coimbatore.

6.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.323 of 2020, on the file of the Judicial Magistrate VII, Coimbatore, is quashed in entirety and the terms of memorandum of compromise and mediation agreement dated 7.1.2014 shall form part and parcel of this order.

04.03.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
kp

N. ANAND VENKATESH,, J.



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To

1. Inspector of Police
City Crime Branch
Coimbatore City Police
Hosur Road
Coimbatore-641 018.
2. Judicial Magistrate VII,
Coimbatore.
3. The Public Prosecutor,
High Court of Madras,
Madras.

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