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Criminal Original Petition No.7806 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.7806 of 2024

Sanjay

S/o.Saravanan

... Petitioner

Vs.

1.State represented by

The Inspector of Police,
Madukkarai Police Station,
Coimbatore District.
Crime No.42 of 2023

2.Arulprakash

S/o.Ananthan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the final report in C.C.No.134 of 2023 dated 08.03.2023 on the file of District Munsif cum Judicial Magistrate, Madukkarai, for offences u/s.294(b), 323, 326, 506(2) IPC and quash the same.

For Petitioner : Mr.KR.Bharathi Kannan

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.side) [R1]
Mr.D.Arulprakash [R2]



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ORDER

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This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.134 of 2023 pending on the file of District Munsif cum Judicial Magistrate, Madukkarai.

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. A Joint Memo of Compromise dated 27.03.2024 signed by both parties and affidavit of second respondent have been filed before this Court. The petitioner and second respondent were also present in person before this Court and they were identified by Mr.P.Kumaresan, Sub-Inspector of Police, Madukkarai Police Station, Coimbatore District [94981 73804]. In the Memo of Compromise and in the affidavit, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in C.C.No.134 of 2023 pending on the file of District Munsif cum Judicial Magistrate, Madukkarai. This Court also enquired both the parties. This Court was satisfied that the parties have come to an amicable settlement between



themselves.

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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 CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in C.C.No.134 of 2023 pending on the file of District Munsif cum Judicial Magistrate, Madukkarai.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.134 of 2023 pending on the file of District Munsif cum Judicial Magistrate, Madukkarai, is quashed insofar as the petitioner herein is concerned and the terms of Joint Memo of Compromise dated 27.03.2024 and the terms of affidavit shall form part and parcel of this order. It is left open to the trial Court to proceed further



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in accordance with law in respect of other accused persons.

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6. The petitioner shall pay a sum of Rs.1,000/- (Rupees One Thousand only) as costs, to the credit of the **President, Tamil Nadu Advocate's Clerk's Association, High Court Buildings, Madras, A/c No.484026006 IFSC Code:IDIB000M157**, within a period of two (2) weeks from today and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

Post this case under the caption 'for reporting compliance' on 12.04.2024.

28.03.2024

Speaking Order/Non-speaking Order
Index :Yes/No
Neutral citation: Yes/No
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To



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1.The District Munsif cum Judicial Magistrate,
Madukkarai.

2.The Inspector of Police,
Madukkarai Police Station,
Coimbatore District.
Crime No.42 of 2023

3.The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH, J.

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