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Crl.O.P.No.21716 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21716 of 2023

And

Crl.M.P.No.15043 of 2023

1.Manikandan
2.Elanthiyan
3.Thirupathi
4.Govindan

... Petitioners

Vs.

1.State Rep. by
The Inspector of Police
Bargur Police Station,
Krishnagiri District.
(Cr.No.445/2011)

2.B.T.Chennaian

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records in connection with charge sheet in P.R.C. No.26 of 2017 on the file of the learned Judicial Magistrate No.I, Krishnagiri and quash the same.

For Petitioners : M/s.S.Saravana Kumar

For Respondents : Mr.A.Gopinath for R1



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Government Advocate (Crl. Side)

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ORDER

The criminal original petition has been filed seeking to call for the records pertaining to the proceedings in P.R.C. No.26 of 2017 pending on the file of the learned Judicial Magistrate No.I, Krishnagiri and quash the same.

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 case of the prosecution is that the defacto complainant's brother – in – law's son named Durairaj had love affair with one Archutha. They are said to have eloped in the year 2011. This led to a dispute between both the families and the second respondent gave a complaint in this regard on the ground that the accused persons have break open the house of the defacto complainant and the house of Chenappan and caused damage. It is also seen from the records that the proceedings in so far as A6 to A17 has already been quashed by this Court.



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4.Over a period of time, the Durairaj and the said Archutha were married in the year 2011 and they now have two children aged about 11 years and 8 years respectively.

5.The Joint Memo of Compromise dated 27.03.2023 has been filed before this Court which have been signed by the petitioners and Chenappan. The affidavit of Chenappan dated 27.03.2023 has also been filed before this Court. The parties were also present in person before this Court and they were identified by Mr.M.K.Ravi, Special Sub Inspector of Police, Bargur Police Station, Krishnagiri District. In the joint compromise memo it has been stated that the parties had entered into a compromise and amicably settled their issues in P.R.C. No.26 of 2017. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6.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



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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 P.R.C. No.26 of 2017 pending on the file of the learned Judicial Magistrate No.I, Krishnagiri.

7.This criminal original petition stands allowed and as a sequel, the proceedings in P.R.C. No.26 of 2017 on the file of the learned Judicial Magistrate No.I, Krishnagiri, is quashed and the terms of Joint Compromise Memo shall form part and parcel of this order. 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 Judicial Magistrate No.I,
Krishnagiri.
- 2.The Inspector of Police
Bargur Police Station,
Krishnagiri District.
(Cr.No.445/2011)

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3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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