



Crl.O.P.No.10738 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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1. Ravi
2. Samy

... Petitioners

Vs.

1. The State Rep by
The Inspector of Police,
Central Crime Branch Police,
Branch-II, Chennai – 600 007.
Crime No.14 of 2010.

2. Shivkant Jagannathan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in relating to judgment dated 20.02.2024 passed in C.C.No.220 of 2010 passed by the Judicial Magistrate No.1, Poonamallee and quash the judgment dated 20.02.2024 passed in C.C.No.220 of 2010 on the file of the Judicial Magistrate No.1, Poonamallee and consequently acquit the accused.

For Petitioners : Mr.Nithesh Natarajan
For Mr.Anirudh A Sriram

For Respondents
For R1 : Mr.R.Vinothraja
Government Advocate (Crl.Side)
For R2 : Ms.A.Vinupradha



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ORDER

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This Criminal Original Petition has been filed challenging the judgment dated 20.02.2024 passed in C.C.No.220 of 2010 on the file of the Judicial Magistrate No.1, Poonamallee, thereby convicted the petitioners for the offences under Section 120B, 419 and 465 of IPC.

2. Pending this petition, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. A Memorandum of Compromise has been filed before this Court, which has been signed by the petitioners and the defacto complainant and also by their respective counsel. All the parties are present and identified by their respective counsel and the Police. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card are made part of the record. This Court also enquired both the parties and 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 proceeding 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 528 of BNSS, 2023, inclined to set aside the order passed by the Court below.

5. In view of the above, the judgment dated 20.02.2024 passed by the learned Judicial Magistrate No.1, Poonamallee, in C.C.No.220 of 2010, is hereby set aside as against the petitioners. The petitioners/accused are acquitted of all charges. Fine amount, if any paid, shall be refunded to the petitioners forthwith. Bail bonds, if any executed, shall stand cancelled. The terms of Memorandum of Compromise shall form part and parcel of this Order. The petitioners shall pay a sum of Rs.10,000/-, (Rupees ten thousand only) jointly as costs, to the Chief Justice Relief Fund, Madras High Court, Tamil Nadu, forthwith and file a photocopy of the receipt along with a memo reporting compliance in the Registry.



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WEB COPY 6. Accordingly, the Criminal Original Petition stands allowed.

Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts



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1. The Judicial Magistrate No.1,
Poonamallee

2.The Inspector of Police,
Central Crime Branch Police,
Branch-II, Chennai – 600 007.

3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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