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Crl.O.P.No. 3606 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM:

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

Crl.O.P.No.3606 of 2025
and Crl.M.P.No. 2371 of 2025

David @ David Aswathaman

....

Petitioner

Vs

1. The Inspector of Police,
J-12, Kanathur Police Station,
Chennai – 600 112.

2. Kapil Chittale

3. Thilak Chittale

....

Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C./Section 528 of the Bharathiya Nagrik Suraksha Sanhitha, 2023, to call for the records in S.C.No.164 of 2017 on the file of the Additional District Judge, Principal District Court, Chengalpet and quash the same as compromised.

For Petitioner

: Mr.G.Vijayanand

For R1

: Mr.K.M.D.Muhilan

Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the S.C.No.164 of 2017 on the file of the Additional District Judge, Chengalpet, thereby taken cognizance for the offences under Sections 147, 364-A r/w. 149,



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120-B and 109 of IPC.

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

3. A Joint Memo of Compromise has been filed before this Court, which has been signed by the petitioner 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.

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 482 Cr.P.C./Section 528 of BNSS, 2023, quashes the proceeding in S.C.No.164 of 2017 pending trial on the file of the Additional District Judge,



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5. In view of the above, this Criminal Original Petition stands allowed, by quashing the proceedings in S.C.No. 164 of 2017 on the file of the Additional District Judge, Chengalpet as against A1 alone. The Trial Court is directed to proceed with the trial as against the other accused persons. The terms of Joint Memo of Compromise shall form part and parcel of this Order. The petitioner shall pay a sum of Rs.10,000/-, (Rupees Ten Thousand only) as costs, to the Chief Justice Relief Fund, Tamil Nadu, within a period of one week from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry. Consequently, connected miscellaneous petition is closed.

12.02.2025

Internet:Yes

Index:Yes/No

Speaking/Non speaking order

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To

1. The Additional District Judge,
Chengalpet.

2.The Inspector of Police,
J-12, Kanathur Police Station,
Chennai – 600 112.



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3. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN. J.

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