



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2015

CORAM:

THE HONOURABLE MS.JUSTICE **R.MALA****CRL.O.P. (MD) .No.16786 of 2015**

Antony Xaviour : Petitioner

Vs.

1.State rep by
The Sub Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
(Crime No.895 of 2012)

2.Mary Helan : Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying this Court to call for the records in C.C.No.168 of 2013 on the file of the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District and quash the same.

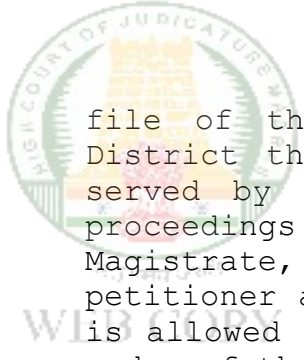
For Petitioner	: Mr.C.T.Perumal
For R1	: Mr.K.Anbarasan
	Government Advocate (Criminal Side)
For R2	: Mr.P.Venkatesan

O R D E R

The quash petition has been filed by the petitioners seeking to quash the proceedings in C.C.No.168 of 2013 on the file of the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District.

2.It is seen that the alleged offence attributed against the petitioner is under Sections 294(b) and 323 of the Indian Penal Code and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. When the matter is taken up for hearing, the petitioner and the second respondent appeared in person and their identification is also verified by this Court and the learned counsel appearing for the petitioner and the learned counsel appearing for the second respondent filed a memo of compromise stating that since the matter has been compromised, the second respondent agreed to withdraw the above said case in 168 of 2013 pending on the file of the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District.

3.Considering the nature of allegation and also considering the ~~memo of compromise~~ filed by the petitioner and the second respondent and since the Investigating Agency, on completion of investigation, has filed a charge sheet, which has been taken on file in C.C.No.168 of 2013 on the



file of the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District this Court is of the opinion that no useful purpose would be served by allowing the trial to proceed with. Therefore, the entire proceedings in C.C.No.168 of 2013 on the file of the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District, in respect of the petitioner alone, is hereby set aside and this Criminal Original Petition is allowed accordingly. The joint compromise memo shall form part of the order of this Court.

Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate,
Padmanabhapuram,
Kanyakumari District.
- 2.The Sub Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
- 3.The Addtitional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.C.T.Perumal Advocate Sr.No.50099

GJM/NGM/SS/11.9.15-2P-5C

Order made in
CRL.O.P. (MD) .No.16786 of 2015
Dated:- 31.08.2015