



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.03.2015
CORAM

THE HON'BLE MR.JUSTICE C.T.SELVAM

WEB COPY

CRL.O.P. (MD) No.21677 of 2014

S.Lakshmanan

.. Petitioner/Sole Accused

.. Vs ..

1.The State Represented by
The Inspector of Police,
District Crime Branch,
Thoothukudi,
Thoothukudi District.
(Crime No.7/2003)

... 1st Respondent/complainant

2.Charlet

.. 2nd Respondents/De-facto complainant

Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, praying to call for the records and quash the proceedings in C.C.No.233 of 2004 on the file of the Learned Judicial Magistrate No.I, Thoothukudi, Thoothukudi District, pursuant to the compromise arrived at by the parties.

For Petitioners : Mr.A.Thiruvadi Kumar

For R1 : Mr.K.V.Rajarajan
Government Advocate(Crl. Side)

For R2 : Mr.M.Saravanan

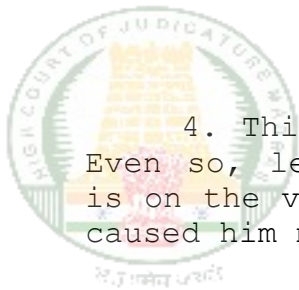
- - - - -

ORDER

The petitioner/accused seeks to quash the case pending in C.C.No.233 of 2004 on the file of the Learned Judicial Magistrate No.I, Thoothukudi, Thoothukudi District for the offences under Sections 386, 387 of IPC and Section 13 & 17 of Tamil Nadu Money Lenders Act, 1957.

2.The affidavit of de-facto complainant informs of settlement of dispute in the present case as also connected actions under Section 138 of Negotiable Instruments Act initiated by the petitioner. It informs that even prior to her examination in the trial Court an application under Section 320(2) Cr.P.C., had been filed and the same had been dismissed as the prosecution objected to on the ground that the offences were not compoundable.

3.Learned counsel for the petitioner relies on such affidavit which informs of the defacto complainant intent not to prosecute as also the compromise memo which informs that when examined before the trial court she had turned hostile. The joint memo of compromise dated 27.02.2015 is signed both by the petitioner, de-facto complainant/second respondent as also the respective counsel.



4. This Court is not able to see the case as one of personal wrong. Even so, learned counsel for the petitioner submits that the petitioner is on the verge of retirement and the pendency of the case since 2004 has caused him much hardship.

5. Considering such submissions, this Court accepts the compromise and quashes of further proceedings in C.C.No.233 of 2004 on the file of the Learned Judicial Magistrate No.I, Tuticorin subject to the condition that the second respondent deposits a sum of Rs.10,000/- to the District Legal Services Authority, Tuticorin District within a period of 10 days from today. The memo of compromise shall form part of the records.

6. Post for reporting compliance on 13.03.2015.

Sd/-

Assistant Registrar(Writs)

\\True copy\\

Sub Assistant Registrar

To

1.The Judicial Magistrate No.I, Thoothukudi, Thoothukudi District

2.The Inspector of Police, District Crime Branch, Thoothukudi, Thoothukudi District.

3.The Chairman/Principal District Judge, District Legal Service Authority District land Building Tuticorin

4.The Additional Public Prosecutor, Madurai Bench of Madras High Court Madurai.

Copy to : The Section officer, Criminal Section
Madurai Bench of Madras High Court Madurai.

+1 CC TO M/S.A.THIRUVADIKUMAR, ADVOCATE SR.NO.10381

CRL.O.P.(MD)No.21677 of 2014
03.03.2015

AM

NA/06/03/2015/P2/7C