



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2016

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.1784 of 2016

Azath

... Petitioner

vs.

1.State represented by
The Sub-Inspector of Police
Thiruvidai Maruthur Police Station
Thanjavur District
(Crime No.03 of 2013)

2.Ahamed Nabil

... Respondents

PRAYER: This petition is filed under Section 482 Cr.P.C., to call for the records and quash charge sheet in C.C.No.120 of 2013, on the file of the learned II Additional District Munsif-cum-Judicial Magistrate, Kumbakonam.

For Petitioner : Mr.A.S.Alaudeen

For Respondents : Mrs.S.Prabha, G.A.(Crl.Side) for R1

O R D E R

This petition has been filed seeking to quash the case registered in C.C.No.120 of 2013, pending on the file of the learned II Additional District Munsif-cum-Judicial Magistrate, Kumbakonam, pursuant to the amicable settlement effected between the parties.

2. It is seen that on 31.12.2012, the petitioner / accused herein abused the second respondent / *de facto* complainant in filthy language and threatened him with dire consequences. On the complaint lodged by the second respondent / *de facto* complainant, the first respondent Police has registered a case in Crime No.3 of 2013, on 02.01.2013, for offences under Sections 294(b), 323 and 506(ii) I.P.C., against the petitioner / accused. After completion of the investigation, the Investigating Officer has filed a charge sheet before the learned II Additional District Munsif-cum-Judicial Magistrate, Kumbakonam, and committal proceedings are pending in C.C.No.120 of 2013.



3. Now, it appears that the parties have amicably settled their issues. When this matter is taken up for hearing, the petitioner / accused and the *de facto* complainant / second respondent, appeared in person and their identifications were also verified by this Court, in addition to the confirmation of the identity of the parties by the Government Advocate (Crl.Side) through the respondent Police.

4. The counsel appearing for the petitioner / accused filed this quash petition along with a Joint Memo of Compromise, dated 08.01.2016, duly stating that since the parties have arrived at an amicable settlement by way of compromise among themselves, the *de facto* complainant / second respondent has agreed for quashing of the above case pending in C.C.No.120 of 2013 on the file of the learned II Additional District Munsif-cum-Judicial Magistrate, Kumbakonam.

5. Considering the facts and circumstance of the case and also taking into account the joint memo of compromise, dated 08.01.2016, this Court is of the opinion that no useful purpose would be served in keeping the matter pending, as the chance of the witnesses coming forward in support of the prosecution case is very remote. Therefore, the entire proceedings, in C.C.No.120 of 2013, on the file of the learned II Additional District Munsif-cum-Judicial Magistrate, Kumbakonam, in respect of the petitioner / accused are hereby quashed.

6. Accordingly, this criminal original petition is allowed on the basis of the compromise entered into between the parties. The joint memo of compromise, dated 08.01.2016, shall form part of this order.

Sd/-

Assistant Registrar(Crl.Side)

Encl:

Copy of Memo of Compromise

/True Copy/

Sub Assistant Registrar

To

1.The II Additional District Munsif

-cum-Judicial Magistrate, Kumbakonam.

2.The Sub-Inspector of Police,

Thiruvidai Maruthur Police Station, Thanjavur District.

3.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

Krk

AA/NGM-SS/02.03.2016/2p-4c

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