



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.[MD].No.18514 of 2018

1.Jahir Hussian

2.Selvam

3.Thennarasu

4.Kannan

5.Mytheen Shariff

... Petitioners

Vs.

1.State through the Inspector of Police,

Theppakulam Police Station,

Madurai City.

(In C.C.No.266 of 2009)

... 1st Respondent / Complainant

2.M.Rabeekraja

... 2nd Respondent / Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records of Charge Sheet in C.C.No.266 of 2009 on the file of the learned Judicial Magistrate No.I, Madurai and quash the same as illegal.

For Petitioners : Mr.S.M.A.Jinnah

For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate [Crl. Side]

For R2 : Mr.M.Kaushikan

ORDER

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.266 of 2009 on the file of the learned Judicial Magistrate No.I, Madurai.

2.The case is still in the stage of trial. By passage of time, 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 have been signed by the petitioners and the second respondent and also by their respective counsel. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card, which 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 case 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. quashes the charge sheet in C.C.No.266 of 2009 on the file of the learned Judicial Magistrate No.I, Madurai.

5.This Criminal Original Petition stands allowed and as a sequel, the charge sheet in C.C.No.266 of 2009 on the file of the learned Judicial Magistrate No.I, Madurai, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. Each of the petitioners shall pay a sum of Rs.2,000/- as costs, to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry), 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.

Sd/-

Assistant Registrar(AD-I)

/True Copy/

Sub Assistant Registrar(CS-III)

ENCL: XEROX COPY OF JOINT COMPROMISE MEMO

To

- 1.The Judicial Magistrate No.I, Madurai.
- 2.The Inspector of Police,
Theppakulam Police Station, Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,Madurai.

COPY TO

- 1.The Chief Justice Relief Fund
(payable in Accounts Section of the High Court Registry)
Madurai Bench of Madras High Court, Madurai.
- 2.The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.S.M.JINNAH , ADVOCATE IN SR No.92172.

MYR

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25.10.2018