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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.[MD].No.5051 of 2018
and
Cr.M.P(MD) Nos.2478 and 2479 of 2018

1.R. Magudeeswari
2.Ramachandran :Petitioners/Accused 1 &2

Vs.

1.The Inspector of Police,
Ottanchatram Police Station,
Dindigul District.
(In Crime No.163 of 2003) : Respondent/Complainant

2.Kaliammal : Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.871 of 2010 onthe file of the Judicial Magistrate Court, Oddanchatram and to quash the same as against the petitioners.

For Petitioners : Mr.S.C.Herold Singh
For R-1 : Mr.K.Suyambulinga Bharathi
Government Advocate[Crl. side]

For R-2 : Mr.K.A.Thirumalaiappan

ORDER

The Criminal Original Petition has been filed to quash the proceedings in C.C.No.871 of 2010 on the file of the Judicial Magistrate Court, Oddanchatram for offences under Sections 147,148, 452,341,323, 354, 379 and 506 (ii) of IPC.

2. The defacto complainant aged more than 80 years was present before the Court and was brought to the court through wheel chair. On being questioned, by this Court, she categorically stated that the she does not want to proeed the case any further and the entire proceedings can be quashed insofar as all the accused persons are concerned. She also stated that even though only two persons have filed this quash petition , she does not want to proceed the case even insofar as other accused persons are also concerned.

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3. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. 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. The parties 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.

5. Under such circumstances, no useful purpose will be served in keeping the First Information Report 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 proceedings in C.C.No.871 of 2010.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.871 of 2010, on the file of the Judicial Magistrate Court, Oddanchatram, is quashed and the terms of Joint Compromise Memo shall form part and parcel of this order. Each of the petitioners shall pay a sum of Rs.1000/- as costs, to the credit of the "Environment Fund" (payable in Account No.6656485009, Member Secretary, Tamil Nadu State Legal Services Authority, Chennai), 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 petitions are closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Judicial Magistrate Court,
   Oddanchatram

2.The Inspector of Police,
   Ottanchatram Police Station,
   Dindigul District.

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

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4. The Member Secretary,
   Tamil Nadu State Legal Services Authority,
   Madras High Court Campus,
   Chennai.(Madurai)

+1cc to Mr.S.C.Herold Singh, Advocate Sr.No.81892

Crl.O.P.[MD]No.5051 of 2018
03.09.2018

AAV
DS/RP/SAR -1/03.10.2018/3P/6C

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