



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **27.08.2018**

CORAM:

THE HONOURABLE MR. JUSTICE **N. ANAND VENKATESH**
Crl.O.P. (MD) No.12061 of 2017
and Crl.M.P. (MD) Nos.8314 & 8315 of 2017

WEB COPY

Mohamed Yasser : Petitioner/Accused No.1
Vs.

1. The State rep.by
The Inspector of Police,
All Women Police Station,
Cantonment,
Tiruchirappalli District.
(Crime No.3 of 2016) : 1st Respondent/Complainant
2. Sathya @ Sumaya Fathima : 2nd Respondent/Defacto
complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the charge sheet in C.C.No.48 of 2017 on the file of the Judicial Magistrate Additional Mahila Court, Tiruchirappalli, Tiruchirappalli District and quash the same as illegal.

For Petitioner : Mr.J.Sulthan Basha
for M/s. Ajmal Associates
For R-1 : Mr.K.Suyambulinga Bharathi
Government Advocate [Crl Side]
For R-2 : Mr.S.Rajendran

ORDER

The Criminal Original Petition has been filed to quash the proceedings in C.C.No.48 of 2017 pending on the file of learned Judicial Magistrate Additional Mahila Court, Tiruchirappalli, Tiruchirappalli District for an alleged offences under Sections 417, 506(i) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998.

2.By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. Today, only the father of the petitioner is present before this Court. The petitioner is working in abroad and there is L.O.C. Is pending against the petitioner which is issued by the Deputy Commissioner of Police, Tiruchirappalli. As a result of the same, the petitioner is not in a position to enter into the India.

3.An affidavit has been filed by the second respondent/defacto complainant wherein, she has specifically stated that the petitioner is working in abroad and due to L.O.C, the petitioner



is unable to enter into the India. In the affidavit it is further stated that on behalf of the petitioner, the petitioner's father has represented the petitioner and joint compromise memo has been signed by the petitioner's father on behalf of the petitioner. The affidavit of the second petitioner is recorded.

4.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner's father and the second respondent and also by their respective counsel. In order to identify the respective parties they have also produced the copy of the Aadhaar Card which is 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 proceedings in C.C.No.48 of 2017 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 Gujraht)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in C.C.No.48 of 2017.

6.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.48 of 2017 pending on the file of learned Judicial Magistrate Additional Mahila Court, Tiruchirappalli, Tiruchirappalli District, is quashed and the terms of Joint Compromise Memo shall form part and parcel of this order. The petitioner's father shall pay a sum of Rs2,000/- as costs, to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry, Madurai Bench), 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(Cs-II)

/True Copy/

Sub Assistant Registrar(CS-I)

EncL.Xerox copy of Joint Compromise Memo
To

1. The Judicial Magistrate Additional Mahila Court,
Tiruchirappalli, Tiruchirappalli District.

2. The Inspector of Police,
A.I. Women Police Station, Cantonment,
Tiruchirappalli District.



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

Copy to

The Section Officer,
Account Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s. Ajmal Associates, Sr.No.80479

GNS

VB/SKN/SAR1/14.09.2018/3P/6C

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27.08.2018