



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

Cr1.OP.(MD)No.7033 of 2018

1.C.Regini @ Jerin
2.J.Pratheesh @ John Pratheesh
3.K.Akash
4.X.Suresh
5.C.Solano

... Petitioners 1-5/Accused Nos.1-5

Vs.

1. The Sub Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
In Crime No.609 of 2014.

... Respondent/Complainant

2. Janoba

... 2nd Respondent/De-facto complainant

Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertains to the proceedings in C.C.No.142 of 2017 on the file of the learned Judicial Magistrate Padmanabhapuram, Kanyakumari District in connection with Crime No.609 of 2014 on the file of the first respondent police and quash the same as illegal and arbitrary.

For Petitioners : Mr.S.Balamurugan

For 1st Respondent : Mr.Prabhu Ramachandran

Government Advocate (Cr1.Side)

ORDER

This Criminal Original Petition has been filed to quash the impugned proceedings in C.C.No.142 of 2017 on the file of the learned Judicial Magistrate Padmanabhapuram, Kanyakumari District, against the Petitioners 1-5/Accused Nos.1-5.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Cr1.Side) appearing for the first respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

3.Today, when the matter is taken up for hearing,



Mr.T.Vincent, Sub Inspector of Police, Thuckalay Police Station, Kanyakumari District, is present in Court. The defacto complainant is present and the accused are also present. The identifications of the accused were also verified by this Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate (Criminal side) through Mr.T.Vincent, Sub Inspector of Police, Thuckalay Police Station, Kanyakumari District.

4. Based on the complaint lodged by the second respondent/de-facto complainant, a case was registered in Crime No.609 of 2014 for the offences punishable under Sections 147, 427, 323 IPC and r/w Section 4 of Tamil Nadu Prevention of Women Harassment Act, 2002 and after completion of investigation, the respondent police filed a charge sheet before the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District in C.C.No.142 of 2017 for offences under Sections 147, 427, 323 IPC and r/w Section 4 of Tamil Nadu Prevention of Women Harassment Act, 2002.

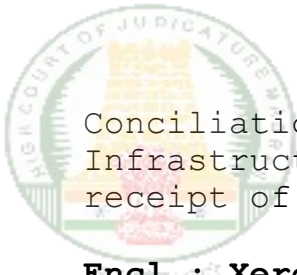
5. The learned Government Advocate (Crl.side) would submit that the charge sheet has been filed, but trial has not been commenced in the aforesaid criminal case.

6. At this stage, the de-facto complainant and the petitioners 1 to 5/Accused Nos.1 to 5 have entered into a compromise to resolve their dispute for settling the accounts. Therefore, in the presence of the elders, the dispute has been settled and both the parties agreed to settle the dispute out of Court and to drop further trial.

7. The learned counsel appearing for the petitioner filed this quash petition along with a Joint Memo of Compromise dated 24.03.2018 stating that since the parties have arrived at an amicable settlement by way of compromise among themselves, the second respondent has agreed for quashing of the case in C.C.No.142 of 2017 on the file of the learned Judicial Magistrate Padmanabhapuram, Kanyakumari District.

8. This Court has considered the earlier decision of the Hon'ble Supreme Court in the case of **GIAN SINGH V. STATE OF PUNJAB AND ANOTHER**, reported in (2012) 10 SCC 3031, and considering the nature of the allegations and in view of the joint memo of compromise dated 24.03.2018, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, the entire proceedings in C.C.No.142 of 2017 pending on the file of the Judicial Magistrate Padmanabhapuram, Kanyakumari District, in respect of the petitioners/Accused Nos.1 to 5 alone are hereby quashed.

9. Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. The joint memo of compromise dated 24.03.2018 shall form part of this order. The petitioners are directed to pay the cost of Rs.2,000/- (Rupees Two Thousand only) each to the Tamil Nadu Mediation and



Conciliation Centre, attached to this Bench, under the head of the Infrastructure Fund, within a period of two weeks from the date of receipt of a copy of this order.

Encl.: Xerox copy of Compromise Memo

WEB COPY

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Padmanabhapuram,
Kanyakumari District.
2. The Sub Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:-

The Officer-in-Charge,
Mediation and Conciliation Centre,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.S.BALAMURUGAN, ADVOCATE IN SR No. 66900

NS

TE/JC/SAR-3 : 28/06/2018 : 3P/6C

Crl.O.P. (MD) No.7033 of 2018
05.06.2018