



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2018

CORAM:

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.(MD).Nos.16164, 22700 and 22717 of 2016

and

CrI.M.P(MD)Nos.7852, 7853, 11886 and 11887 of 2016

CrI.O.P.(MD).Nos.16164 of 2016

1.Thangaraj

2.Kalaiyarasi @ Kalaiselvi

...Petitioners/Accused Nos.2 &3

Vs.

1.The Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai District.

2.R.Pappathi Banupriya

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for records in C.C.No.90 of 2016 on the file of the learned Judicial Magistrate (Additional Mahila Court), Madurai and quash the charge sheet and consequential further proceedings so far as against the petitioners are concerned.

For Petitioners
For R1

:Mr.D.Shanmugaraja Sethupathi
:Mr.M.Chandrasekaran
Additional Public Prosecutor
: Mr.A.S.Vaigundh
for M/s.G.Thalaimutharasu

For R2

CrI.O.P(MD).No.22700 of 2016

R.Pappathi Banupriya

... Petitioner/ defacto complainant

Vs.

1.The State
rep by its the Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai District.



2.Mathanraj

3.M.Thangaraj

4.Kalaiarasi @ Kalaiselvi

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to direct the first respondent to recover the petitioner/defacto complainant's passport, educational certificate and gold jewels involved in the case in Crime No.103 of 2013 pending on their file by exercising their power under law and restore the petitioner/defacto complainant with the same.

For Petitioner	: Mr.A.S.Vaigundh for M/s.G.Thalaimutharasu
For R1	: Mr.M.Chandrasekaran Additional Public Prosecutor
For R2 to R4	: Mr.J.Sulthan Basha for M/s.Ajmal Associates

Crl.O.P(MD).No.22717 of 2016

Mathanraj

... Petitioner/ Accused No.1

Vs.

1.The State
rep by its the Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai District.
(Crime No.103 of 2013)

2.Pappathi Banupriya

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the charge sheet in C.C.No.90 of 2016 on the file Judicial Magistrate Additional Mahila Court, Madurai and quash the same as illegal as against this petitioner.

For Petitioner	: Mr.J.Sulthan Basha for M/s.Ajmal Associates
For R1	: Mr.M.Chandrasekaran Additional Public Prosecutor
For R2	: Mr.A.S.Vaigundh for M/s.G.Thalaimutharasu

COMMON ORDER

These Criminal Original Petitions have been filed to quash the proceedings in C.C.No.90 of 2016 on the file Judicial Magistrate (Additional Mahila Court), Madurai.

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2. The case is still in the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. A Common 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 copy of the Aadhaar Card and the same 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. The defacto complainant is represented by her father viz., Rajendran. Madhanraj/A1 is not present before this Court in person and he is working abroad and he is not able to enter the country, since a look out notice has been issued against him. However, for the purpose of his identity, a copy of Aadhaar Card issued in his favour has been filed before this Court.

4. Under such circumstances, no useful purpose will be served in keeping the proceeding in C.C.No.90 of 2016 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 C.C.No.90 of 2016 on the file Judicial Magistrate (Additional Mahila Court), Madurai.

5. These Criminal Original Petitions stand allowed and as a sequel, the proceedings in C.C.No.90 of 2016 on the file Judicial Magistrate (Additional Mahila Court), Madurai, is quashed and the terms of Common Joint Memo of Compromise shall form part and parcel of this order. Each of the petitioner shall pay a sum of Rs.750/- (Rupees Seven Hundred and Fifty only) 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. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Crl. side)

/True Copy/



Enclosure: Xerox Copy of Joint Compromise Memo

To

1. The Judicial Magistrate (Additional Mahila Court),
Madurai.
2. The All Women Police Station,
Thirupparankundram,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:

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

Cr1.O.P. (MD) .Nos.16164, 22700
and 22717 of 2016
and
Cr1.M.P (MD) Nos.7852, 7853, 11886
and 11887 of 2016
13.08.2018

rmk

JM/SKN RSK/SAR 4/20.08.2018/4P/5C