



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.(MD).No.9917 of 2018

- 1.Boopathy
- 2.Mannan
- 3.Kathiravan
- 4.Kicha @ Palanikumar
- 5.Allapitchai
- 6.S.Jegatheshwaran

... Petitioners/A1 to A6

Vs.

1. The State of Tamil Nadu rep. by
The Inspector of Police,
B1 Police Station- Melur,
Madurai District.
(FIR in Crime No.402/2011) .. 1st Respondent/Complainant
2. The Deputy Superintendent of Police,
Melur Division,
Madurai District. ... 2nd Respondent/Investigation Officer
3. Muthupandi
4. Anbu ... Respondent Nos.3 & 4/De-facto complainants

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to quash the charge sheet in PRC No.4 of 2012 under Sections 147, 341, 323, 379 NP r/w of IPC and Section 3(1)(x)(i) of SC/ST POA Act, 1989, pending before the Court of the III Additional Sessions Judge (P.C.R Cases) Madurai filed in FIR in Crime No.402/2011 on 13.06.2011 registered on the file of the first respondent police, on the basis of the the 'Joint Compromise Memo' filed by the petitioners and the third and fourth respondents herein.

For Petitioner : Mr.M.Balakrishnan
For Respondents : Mr.A.Robinson
Govt. Advocate (for R1 and R2)
Mr.I.Velpradeep (for R3 and R4)

**O R D E R**

The Criminal Original Petition has been filed to quash the case in PRC No.4 of 2012 on the file of the III Additional Sessions Judge (P.C.R Cases) Madurai, pursuant to the compromise arrived at by the parties.

2. The case is under 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 third and fourth respondent and also by their respective counsel. In order to identify the petitioners, they have also produced the copy of the Aadhaar Card which is made part of the record.

4. The learned counsel for the petitioners would submit that the respondents 3 and 4/de-facto complainant do not have any voter I.D or Aadhar Card, thereby to prove their identity, affidavits have been filed fixing their photo before the Notary Public. The learned Government Advocate was directed to verify the identity of the respondents/defacto complainants and he had verified and submitted that they are the persons. 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 case in P.R.C.No.4 of 2012 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 case in P.R.C.No.4 of 2012.

6. This Criminal Original Petition stands **allowed** and as a sequel, the proceedings in case in P.R.C.No.4 of 2012, on the file of the III Additional Sessions Judge (P.C.R Cases) Madurai, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar (CS-III)



To

1. The III Additional Sessions Judge (P.C.R Cases),
Madurai.

2. The Inspector of Police,
B1 Police Station- Melur,
Madurai District.
(FIR in Crime No.402 / 2011).

3. The Deputy Superintendent of Police,
Melur Division,
Madurai District.

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

+ 1 CC TO Mr.M.BALAKRISHNAN, ADVOCATE IN SR No. 94537

SKN

TE/SV/SAR-3 : 20/12/2018 : 3P/6C

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