



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.[MD].No.19042 of 2018

1.Alaguraja
2.Thavasi
3.Poomayil
4.Ganesan

... Petitioners / Accused 4.GanesanNos.1 to 4

Vs.

1.The State Represented by
The Deputy Superintendent of Police,
CBCID, Madurai Region,
Madurai.

2.The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
(Crime No.1 of 2010) ...Respondents 1 and 2 / Respondents

3.V.Pandi ... 3rd Respondent / Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in P.R.C.No.11 of 2011 on the file of the Judicial Magistrate No.II, Ramanathapuram and quash the same in respect of the petitioners alone.

For Petitioners : Mr.C.Mayilvahana Rajendran
For R1 and R2 : Mr.K.Suyambulinga Bharathi
Government Advocate [Cr1. Side]

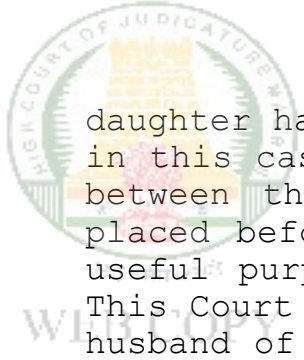
For R3 : Mr.K.Seemaraj

ORDER

This Criminal Original Petition has been filed to quash the case in P.R.C.No.11 of 2011 on the file of the Judicial Magistrate No.II, Ramanathapuram.

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

3.The defacto complainant, who is shown as the third respondent in this petition, was present before this Court. He is the father of the deceased, namely Sellavel. This Court personally enquired of the third respondent. The third respondent categorically told this Court that the incident had taken place in the year 2010 and his



daughter has committed suicide. He does not want to proceed further in this case. He requested this Court to close the case as settled between the parties. This Court has gone through the materials placed before it and this Court is of the considered view that no useful purpose will be served by keeping the proceedings pending. This Court also had occasion to see the first petitioner, who is the husband of the deceased. He has become mentally retarded and he is not even in a position to understand what is happening around him. The petitioners 2 and 3 are the father-in-law and mother-in-law of the deceased, who are all senior citizens. The 4th petitioner is only a distant relative, who is also made an accused in this case.

4.A Joint Memo of Compromise has been filed before this Court, which have been signed by the petitioners and the third respondent and also by their respective counsel. In order to identify the respective parties, they 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 case 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 Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case P.R.C.No.11 of 2011 on the file of the Judicial Magistrate No.II, Ramanathapuram.

6.This Criminal Original Petition stands allowed and as a sequel, the case in P.R.C.No.11 of 2011 on the file of the Judicial Magistrate No.II, Ramanathapuram, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. Each of the petitioners shall pay a sum of Rs.1,000/- as costs, to the credit of the "Cancer Institute (WIA) Gandhi Nagar Canal Bank Road, Adyar, Chennai- 20" (payable in Account No.149710011000002, Savings Bank, Andhra Bank, Madhya Kailash Branch, Cancer Institute(WIA) Campus, Sardar Patel Road, Chennai- 36, Branch Name and Code: 1497,MICR No.600011049, IFSC Code: ANDB0001497), 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.

Sd/-

Assistant Registrar(writs)

/True Copy/

Sub Assistant Registrar(cs-II)



To

- 1.The Judicial Magistrate No.II,
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
CBCID, Madurai Region,
Madurai.
- 3.The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:

- 1.The officer Incharge ,
cancer institute(WIA)
Gandhi Nagar canal Bank Road,
Adyar, Chennai-20
- 2.The Registrar Judicial,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr..C.Mayilvahana Rajendran Advocate in SR.No.92123

Cr1.O.P.[MD].No.19042 of 2018
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MYR

NM SV SAR2 29.11.2018 3P 8C