



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

Cr1.O.P.[MD].No.15193 of 2018

1.Senthil @ Gym Senthil

2.Balamurugan

3.Manohar

: Petitioners / Accused Nos.1 to 3

Vs.

1.State rep.by

The Inspector of Police,

Sivagangai Town Police Station,

Sivagangai District.

(Crime No.71 of 2017)

: Respondent / Complainant

2.Vadivel

: Respondent / De facto  
Complainant

**PRAYER:** Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records relating for the charge sheet in P.R.C.No.18 of 2017, on the file of the learned Judicial Magistrate No.I, Sivagangai and quash the same as illegal and devoid of merits.

For Petitioners : Mr.M.Jegadeesh Pandian

For R1 : Mr.K.Suyambulinga Bharathi  
Government Advocate[Cr1. side]

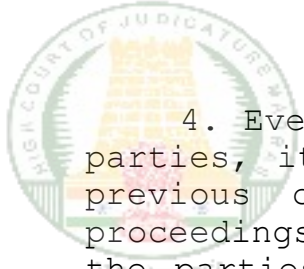
For R2 : Mr.B.Viswanathan

### **ORDER**

The Criminal Original Petition has been filed to quash the proceedings in P.R.C.No.18 of 2017, on the file of the learned Judicial Magistrate No.I, Sivagangai, for the offences punishable under Sections 392, 397 and 506 (ii) I.P.C.

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 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. The parties were also present before the Court and they were identified by Mr.Thangarajan, S.S.I of Police and 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.



4. Even though the compromise has been entered into between the parties, it is seen from the records that Accused Nos.1 and 2 have previous cases of theft and robbery. Therefore, the pending proceedings cannot be quashed on the ground of compromise between the parties. As per the guidelines issued by the Hon'ble Supreme Court and the judgment reported in 2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat), the cases cannot be quashed on the ground of compromise. The proceedings against the first and second petitioner can continue before the Court below and CrI.O.P. (MD).NO.15193 of 2018 is dismissed insofar as these petitioners 1 and 2 are concerned.

5. However, it is seen that the third petitioner in this case does not have any bad antecedents. Therefore, the compromise between the de facto complainant and Accused No.3, is hereby recorded and the proceedings in P.R.C.No18 of 2017, on the file of the learned Judicial Magistrate No.I, Sivagangai, stands quashed only insofar as the third petitioner is concerned. It is made clear that the Court below can proceed further as against Accused Nos.1 and 2 in accordance with law. 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 proceedings in P.R.C.No.18 of 2017, on the file of the learned Judicial Magistrate No.I, Sivagangai, insofar as the third petitioner is concerned.

6. This Criminal Original Petition stands allowed insofar as the third petitioner is concerned and as a sequel, the proceedings in P.R.C.No.18 of 2017, on the file of the learned Judicial No.I, Sivagangai is quashed and the terms of Joint Compromise Memo shall form part and parcel of this order. The third petitioner shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) as cost, 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.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-III)

**Encl: Xerox copy of Joint Compromise Memo**

To

1.The Judicial Magistrate No.I,  
Sivagangai.



2.The Inspector of Police,  
Sivagangai Town Police Station,  
Sivagangai 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.

+1CC to Mr.M.Jegadeesh Pandian Advocate, SR.No.80509  
+1CC to Mr.B.Viswanathan, Advocate, SR.No.80510

Cr1.O.P.[MD].No.15193 of 2018  
28.08.2018

TSG  
ES/PM/SAR 3/04.10.2018/3P/7C