



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2018

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

Crl.O.P.[MD].No.19289 of 2018

Ayupkhan : Petitioner/Sole Accused

**Vs.**

1. The State Represented by  
The Inspector of Police,  
Inamkulathur Police Station,  
Trichy District.  
[Crime No.58 of 2011]

: 1<sup>st</sup> Respondent/Complainant

2.S.Shakila Banu

: 2<sup>nd</sup> Respondent/De-facto  
complainant

**PRAYER** : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records relating to the C.C.No.290/2016, on the file of the learned Judicial Magistrate No.V, Trichy and quash the same as illegal.

|                |                                                                 |
|----------------|-----------------------------------------------------------------|
| For Petitioner | : Mr.K.Sivabalan                                                |
| For R-1        | : Mr.K.Suyambulinga Bharathi<br>Government Advocate [Crl. Side] |
| For R-2        | : Mr.M.Vignesh Kumar                                            |

### **ORDER**

The Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.290 of 2016, on the file of the learned Judicial Magistrate No.V, Trichy, for an alleged offences under Sections 465, 420 of IPC @ 465, 406 and 420 of IPC.

2. The case is still in the stage of 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 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 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. Under such circumstances, no useful purpose will be served in keeping the criminal proceedings 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 criminal proceedings in C.C.No.290 of 2016.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.290 of 2016, on the file of the learned Judicial Magistrate No.V, Trichy, is quashed and the terms of Joint Compromise Memo shall form part and parcel of this order. The petitioner shall pay a sum of Rs.1,000/- 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.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar (CS-IV)

**To**

1. The Judicial Magistrate No.V, Trichy.
2. The Inspector of Police,  
Inamkulathur Police Station,  
Trichy District.

**Copy To:-**

1. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.
2. The Section Officer, Accounts Section,  
Madurai Bench of Madras High Court,  
Madurai.

+ 1 CC TO Mr.K.SIVABALAN, ADVOCATE IN SR No. 93089

SJI

TE/SV/SAR-4 : 04/12/2018 : 2P/6C