

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 09.08.2018****CORAM:****THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH****Cr1.O.P. (MD) .No.13674 of 2018**

1.Andichamy
2.Muthuraja
3.Muthu @ Marimuthu

...Petitioners /
Accused Nos.1 to 3

Vs.

1. The Inspector of Police,
Nagaiahpuram Police Station,
Madurai District.
In Crime No.53 of 2018

...1st Respondent /
Complainant

2.Nagajothi

...2nd Respondent /
De-facto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C. to call for the records in P.R.C. No.9 of 2018 in Crime No.53 of 2018 dated 27.06.2018 on the file of the learned Judicial Magistrate, Peraiyur and quash the same.

For Petitioners : Mr.S.Sivaprakash

For R1 : Mr.K.Chandrasekar
Additional Public Prosecutor

For R2 : Mr.B.Viswanathan

O R D E R

This Criminal Original Petition has been filed to quash the P.R.C. No.9 of 2018, on the file of the learned Judicial Magistrate, Peraiyur.

2.Final report has been filed for an alleged offences under Sections 294(b), 341, 323, 324, 307, 506(ii) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002. The first petitioner and the second respondent / Defacto complainant are husband and wife. A2 is a brother-in-law of the second respondent / Defacto complainant and A3 is also the distant in-law of the second respondent / Defacto complainant.



3. Incident which is the subject matter of the complaint, is said to have taken place on 23.06.2018, during the family function. The reading of the allegation made in the complaint as well as the final report, shows that the incident had taken on the spur of the moment and there was no previous motive involved in this case.

4. During the pendency of the proceedings, the parties have settled the dispute among themselves and have reached compromise. A joint compromise memo signed by the parties as well as their respective counsel has also been filed before this Court. In the said joint compromise memo, it has been specifically stated that the first petitioner and the second respondent are now living together happily along with the child and entire dispute has been resolved.

5. The parties were also present in person before this Court and they were identified by Mrs.C.Mageswari, SI of Police, Nagaiahpuram Police Station. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. Taking note of the nature of the relationship and also the fact that the first petitioner and the second respondent having started live happily as husband and wife, this Court deems it fit to record the joint compromise memo and quash the impugned proceedings. 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 Gujraath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes P.R.C. No.9 of 2018, on the file of the learned Judicial Magistrate, Peraiyur. The joint compromise memo shall form part of this order.

7. This Criminal Original Petition stands allowed accordingly.

Sd/-
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar(CS-I)

Encl: Xerox copy of joint compromise memo

To

1. The Judicial Magistrate, Peraiyur.

<https://hcservices.courts.gov.in/hcservices/>
2. The Chief Judicial Magistrate, Madurai.



3. The Inspector of Police,
Nagaiahpuram Police Station,
Madurai District.

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

+2cc to Mr.S.Sivaprakash, Advocate Sr.No.78030

GNS

VB/RP/SAR1/21.08.2018/3P/7C

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09.08.2018