



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.[MD].No.14444 of 2018

WEB COPY

1.Moorthi @ Ganesamoorthi

2.Muniyasamy

3.K.High Court Maharaja

: Petitioners/Accused 1-3

Vs.

1.The State through

The Inspector of Police,
Thermal Nagar Police Station,
Thoothukudi.

[Crime No.39 of 2016].

: 1st Respondent/Complainant

2.M.Muniyasamy

: 2nd Respondent/Defacto

Compalainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records pertaining to the case in C.C.No.34 of 2016 on the file of the Judicial Magistrate Court No.II, Thoothukudi in Crime No.39 of 2016 on the file of the first respondent police and quash the same as compromised.

For Petitioners : Mr.S.Balamurugan

For R-1 : Mr.K.Suyambulinga Bharathi

Government Advocate [Criminal Side]

For R-2

: Mr.R.Ponkarthikeyan

ORDER

The Criminal Original Petition has been filed to quash proceedings in C.C.No.34 of 2016 on the file of the Judicial Magistrate Court No.II, Thoothukudi in Crime No.39 of 2016 on the file of the first respondent police for an alleged offences under Sections 294(b), 324 and 506(ii) of IPC.

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.Lakshmanan, SSI Police and they have also produced the copies of the Aadhaar Card 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 First Information Report 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 proceedings in C.C.No.34 of 2016.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.34 of 2016 on the file of the Judicial Magistrate Court No.II, Thoothukudi in Crime No.39 of 2016 on the file of the first respondent police is quashed and the terms of Joint Compromise Memo shall form part and parcel of this order. Each of the petitioners shall pay a sum of Rs.500/- as costs, to the credit of the "Environment Fund" (payable in Account No.6656485009, Member Secretary, Tamil Nadu State Legal Services Committee), 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 (CO)

/True Copy/

Sub Assistant Registrar (CS-II)

Encl:- Xerox Copy of Joint Compromise Memo:
To

- 1.The Judicial Magistrate Court No.II, Thoothukudi.
- 2.The Inspector of Police,
Thermal Nagar Police Station,
Thoothukudi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:
The Member Secretary,
Tamil Nadu Legal Services Committee,
Chennai.

+1CC TO MR.S.BALAMURUGAN, ADVOCATE IN SR.No.78631.

SJI
DS RSK SAR-2:03.09.2018; 2P/6C

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14.08.2018