



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.08.2018
CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

Crl.O.P.[MD].No.14871 of 2018

1.M.Balasubramanian :Petitioner/Sole accused
Vs.
1.The State Represented by
Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
(Crime No.219 of 2017) : 1st Respondent/Complainant
2.Balachandar : 2nd Respondent/Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records relating to Charge Sheet laid in C.C.No.218 of 2017 on the file of the District Munsif cum Judicial Magistrate Ilayangudi, Sivagangai District and quash the same in view of compromise entered between petitioner and defacto complainant namely second respondent.

For Petitioner : Mr.B.Prahalad Ravi
For R-1 : Mr.K.Suyambulinga Bharathi
Government Advocate [Crl. Side]

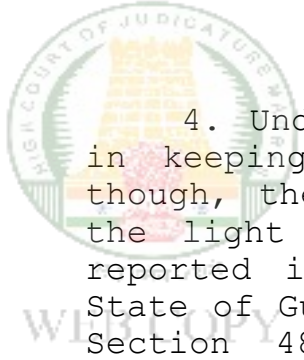
For R-2 : Mr.K.Gnana Sekaran

ORDER

The Criminal Original Petition has been filed to quash the proceedings in C.C.No.218 of 2017 pending on the file of the learned District Munsif cum Judicial Magistrate Ilayangudi, Sivagangai District, for an alleged offences under Sections 294(b), 353 and 506 (ii) 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 petitioner 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 is 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 proceedings in C.C.No.218 of 2017 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 First Information Report in C.C.No.218 of 2017.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.218 of 2017 pending on the file of the learned District Munsif cum Judicial Magistrate Ilayangudi, Sivagangai District, 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 "Environment Fund" (payable in Account No.6656485009, Member Secretary, Tamil Nadu State Legal Services Authority, Chennai) 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 District Munsif cum Judicial Magistrate
Ilayangudi, Sivagangai District.
- 2.The Inspector of Police, Ilayangudi Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- 4.The Member Secretary,
Tamil Nadu State Legal Services Authority,
Madras High Court Campus, Chennai.

+1CC to Mr.B.Prahalad Ravi, Advocate, SR.No.79799

Cr1.O.P.[MD].No.14871 of 2018
21.08.2018

GNS

ES/SKN/RSK/SAR 3/24.09.2018/2P/6C