



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2018

CORAM :

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.(MD) No.20411 of 2018

1.Hari Kumar
2.Krishnan

... Petitioners / Accused 1 & 2

-vs-

1.The State rep.by
The Inspector of Police
Thuckalay Police Station
Kanyakumari District
(Crime No.363 of 2010)

... 1st Respondent / Complainant

2.Rajakumar

... 2nd Respondent / De facto Complainant

PRAYER : Criminal original petition is filed under Section 482 of the Code of Criminal Procedure to call for the records relating to the impugned charge sheet in C.C.No.340 of 2012, on the file of the learned Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District, quash the same.

For Petitioners : Mr.K.Rajeshwaran

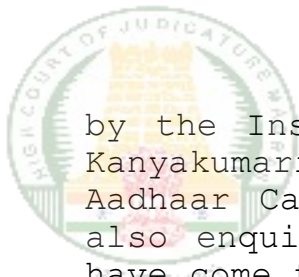
For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor for R1
Mr.C.Murugesan for R2

O R D E R

The criminal original petition has been filed seeking to quash the proceedings in C.C.No.340 of 2012, pending on the file of the learned Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District, for the offences under Sections 323, 324 and 326 I.P.C.

2. The case is under 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, dated 12.11.2018, has been filed before this Court, which has 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 the Inspector of Police, attached to Thuckalay Police Station, Kanyakumari District and they have also produced the copies of Aadhaar Card, which are made part of the record. This Court had also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

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4. Under such circumstances, no useful purpose will be served in keeping the charge sheet pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Honourable Supreme Court in the case of Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath, reported in (2017) 9 SCC 641, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in C.C.No.340 of 2012, pending on the file of the learned Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District.

5. This criminal original petition stands allowed and as a sequel, the proceedings in C.C.No.340 of 2012, on the file of the learned Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District, are quashed and the terms of the Joint Compromise Memo, dated 12.11.2018, shall form part and parcel of this order. Each of the petitioners shall pay a sum of Rs.3,000/- (Rupees three thousand only) as costs, to the credit of the Legal Services Authority, attached to the Madurai Bench of Madras High Court, within a period of two weeks from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo for reporting compliance in the Registry.

6. Post the matter after two weeks for reporting compliance.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-II)

krk

ENCLOSE: Xerox copy of Joint Compromise Memo

To:

1.The Judicial Magistrate No.I,
Padmanabhapuram,
Kanyakumari District.

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



3.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.

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Copy to:

The Secretary,
Legal Services Authority,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.Rajeshwaran, Advocate in SR No.95568

Cr1.O.P.(MD) No.20411 of 2018

NM/RP/SAR II/16.11.18/3P/6C.