



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.(MD) No.19761 of 2018

and

CrI.M.P.(MD)Nos.9026 and 9027 of 2018

1.A.Peer Mohammed

2.Rameera Beevi

3.Abubakar

... Petitioners

Vs.

1.The Inspector of Police,
All Women Police Station,
Colachel, Kanyakumari District
Crime No.7 of 2009.

2.Mohammed Sabeer

... Respondents

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to pass an order calling for the charge sheet C.C.No.163 of 2009 on the files of Judicial Magistrate No.II, Kuzhithurai and quash the same.

For Petitioners : Mr.S.C.Herold Singh

For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate

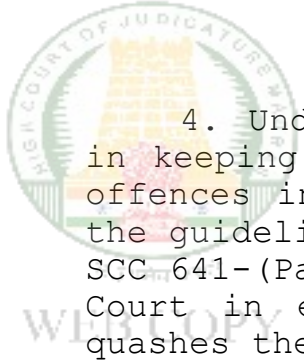
For R2 : Mr.S.Sivakumar

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.163 of 2009 on the file of the Judicial Magistrate No.II, Kuzhithurai.

2. The case is still at 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. In order to identify the respective parties 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 Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.118 of 2017. Eventhough, A4 namely Akbar has not filed any petition to quash, the defacto complainant himself stated before this Court that the proceedings can be quashed even in so far as A4 is concerned.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.163 of 2009 on the file of the Judicial Magistrate No.II, Kuzhithurai, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. Each petitioner shall pay a sum of Rs.500/- (Rupees Five Hundred) as costs, to the credit of the Rojavanam, Home for aged and poor (payable in Account No.6481560540, Indian Bank, High Court, Madurai Branch), 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. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(WRITS)

/True Copy/

Sub Assistant Registrar(CS-II)

Encl: Xerox copy of Joint Compromise Memo

To

1.The Judicial Magistrate NO.II.
Kuzhithurai.

2.The Inspector of Police,
All Women Police Station,
Colachel, Kanyakumari District.

3.Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:

1. The Officer in Charge,
Rojavanam Home for aged and poor,
Melur Road, Ulaganeri, Madurai.

2.The Additional Registrar General,
Madurai Bench of Madras High Court,
Madurai.



• 1 CC TO Mr.S.C.HEROLD SINGH , ADVOCATE IN SR No. 94352.

• ~~1 CC TO Mr.S.C.HEROLD SINGH , ADVOCATE IN SR No. 94352.~~

• + 1 CC TO Mr.S.SIVAKUMAR , ADVOCATE IN SR No. 94466.

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