



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2018

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P(MD)No.15979 of 2018

1.N.Sreekumar
2.Nalini
3.Abinesh
4.Umesh
5.Padma Sankar

...Petitioner/Accused Nos.1 to 3, 5 & 6

Vs.

1.The State rep. By,
The Inspector of Police,
District Crime Branch Police Station,
Nagercoil,
Kanyakumari District.
(Crime No.52 of 2009) ...1st Respondent/Complainant

2.Sairathan ...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and quash the charge-sheet laid against the petitioners in C.C.No.124 of 2015, dated 23.11.2014 on the file of the Judicial Magistrate No.I, Nagercoil for the alleged offence under Sections 409, 420, 294(b) and 506(ii) of I.P.C in connection with Crime No.52 of 2009 on the file of the first respondent Police.

For Petitioners: Mr.K.A.Raamakrishnan

For R - 1 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

For R - 2 : Ms.C.R.Ponnuthai

ORDER

The Criminal Original Petition has been filed to quash the proceedings in C.C.No.124 of 2015, dated 23.11.2014 on the file of the learned Judicial Magistrate No.I, Nagercoil, for the alleged offences under Sections 409, 420, 294(b) and 506(ii) of I.P.C in connection with Crime No.52 of 2009 on the file of the first



respondent Police.

2. The case is pending in C.C.No.124 of 2015 on the file of the learned Judicial Magistrate No.I, Nagercoil. 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 have also produced the copies of the Aadhaar Card, which 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 pending proceedings in C.C.No.124 of 2015 on the file of the learned Judicial Magistrate No.I, Nagercoil, even though, the offences involved are non-compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 (9) SCC 641 (Parbatbhai Aahir @ Parbatbhai and others Vs. State of Gujarat and another)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the proceedings in C.C.No.124 of 2015 on the file of the learned Judicial Magistrate No.I, Nagercoil.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.124 of 2015 on the file of the learned Judicial Magistrate No.I, Nagercoil, 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.750/- (Rupees Seven Hundred and Fifty only) 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 (T&P)

// True Copy //

Sub Assistant Registrar (CS-II)



To

1.The Judicial Magistrate No.I,
Nagercoil.

WEB COPY

2.The Inspector of Police,
District Crime Branch Police Station,
Nagercoil,
Kanyakumari District.

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

Copy to:

1. The Member Secretary,
Tamil Nadu State Legal
Services Committee,
Madurai.

+ 1 CC TO MR.K.A.RAAMAKRISHNAN, ADVOCATE IN SR NO.82766

PS

BU/SKN/SAR-II :01.10.2018 : 3P/6C

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