



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P.[MD].No.17536 of 2018

1.Bose Muthaiah

2.S.R.Gopi

3.Nagendran

: Petitioners/Accused Nos.1 to 3

Vs.

1.State represented by

The Inspector of Police,

C2 Subramaniapuram Police Station (L&O),

Madurai.

:1st Respondent/Complainant

(Crime No.278 of 2013)

2.Kaliselvan

: 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C to call for the records in S.C.No.250 of 2018 on the file of the Chief Judicial Magistrate, Madurai and quash the same in respect of the petitioners alone.

For Petitioners : Mr.C.Mayilvahana Rajendran

For R-1 : Mrs.S.Bharathi

Government Advocate[Crl. side]

For R-2

: Mr.V.Panneer Selvam

ORDER

The Criminal Original Petition has been filed to quash the proceedings in S.C.No.250 of 2018 on the file of the learned Chief Judicial Magistrate, Madurai, for an alleged offences under Sections 448, 392 r/w 397 and 506(ii) of IPC.

2. The case is still in the stage of 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 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.

4.This Court personally enquired the defacto complainant about the incident. The defacto complainant namely Kaliselvan stated that there was a money dispute between his owner and the petitioners. On the date of occurrence, the petitioners had threatened the defacto complainant and the defacto complainant did not suffer any injuries in the incident. The defacto complainant also stated that the dispute has now been resolved between his owner and the petitioners. That apart the defacto complainant stated that he has left the job and has joined some other place and he is not personally interested in pursuing with this case.



5. This Court having considered the submission made by the defacto complainant satisfied that the nature of the dispute was a money dispute between the petitioners and the owner of the defacto complainant.

6. Under such circumstances, no useful purpose will be served in keeping the proceedings 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 S.C.No.250 of 2018.

7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.250 of 2018, on the file of the learned Chief Judicial Magistrate, Madurai, 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.2,500/- as costs, to the credit of the Rojavanam, Home for aged and poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai, 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-I)

/True copy/

Sub Assistant Registrar(CS-III)

Encl:Xerox Copy of Joint Compromise Memo.

To

1.The Chief Judicial Magistrate Madurai.

2.The Inspector of Police,

C2 Subramaniapuram Police Station (L&O),
Madurai.

3.The Additional Public Prosecutor,

Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.V.PANNEER SELVAM, Advocate, SR.No. 89835

+1cc to Mr.C.MAYILVAHANA RAJENDRAN, Advocate, SR.No. 89953

Copy to: 1.The Section Officer,
Criminal Section,

Madurai Bench of Madras High Court, Madurai.(2 COPIES)

2.The Officer in Charge,

Rojavanam Home for Aged and Poor,
Ulaganeri,
Melur Main Road, Madurai.

Cr1.O.P.[MD].No.17536 of 2018

RMI

<https://hcservices.ecourts.gov.in/hcservices/>

KK/RSR/SAR-3/28.11.2018/2P-9C