



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.09.2018
CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.[MD].No.16838 of 2018
and
Crl.O.P.[MD].No.2879 of 2017
&
Crl.M.P.(MD)Nos.2194 and 2195 of 2017

Wilfred : Petitioner/Accused No.3
in Crl.O.P.[MD].No.16838 of 2018

1.Abraham
2.Belcina Mary Stella : Petitioners/Accused No.1&2
in Crl.O.P.[MD].No.2879 of 2017

Vs.

1.The State Represented by
The Inspector of Police,
Ayakudi Police Station,
Tirunelveli District.
(Crime No.182/2014) : Respondent/Respondent
(in both petitions)

2.Louisleval : Respondent/ Defacto Respondent
(in both petitions)

COMMON PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the entire records pertaining to the case in C.C.No.48 of 2016, on the file of the learned Judicial Magistrate, Schencottai, Tirunelveli District and quash the same.

For Petitioners : Mr.R.Anand (in both petitions)
For R-1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)
(in both petitions)

For R-2 : Mr.P.S.Samuel Gunasingh
in Crl.O.P.[MD].No.16838 of 2018

For R-2 : Mr.D.Venkatesh
in Crl.O.P.[MD].No.2879 of 2017

COMMON ORDER

The present Criminal Original Petitions have been filed to quash the proceedings in C.C.No.48 of 2016, on the file of the learned Judicial Magistrate, Schencottai, Tirunelveli District .
<https://hcservices.ecourts.gov.in/hcservices/>



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 Gujrath), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in C.C.No.48 of 2016.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.48 of 2016, on the file of the learned Judicial Magistrate, Schencottai, Tirunelveli District, 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.500/- (Rupees Five hundred only) as costs, to the credit of 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(W)

/True Copy/

Sub Assistant Registrar(CS-I)

Encl: Xerox copy of Joint Compromise Memo

To

- 1.The Judicial Magistrate,
Schencottai, Tirunelveli District
- 2.The Inspector of Police,
Ayakudi Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



4.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

Copy To:

The Manager,
Rojavanam Home for aged and Poor.
Madurai.

Cr1.O.P.[MD].No.16838 of 2018
and
Cr1.O.P.[MD].No.2879 of 2017
&
Cr1.M.P.(MD)Nos.2194 and 2195 of 2017
18.09.2018

LS
ES/SV/SAR 1/24.09.2018/3P/7C