



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.[MD].No.17749 of 2018

- 1.Radhakrishnan
- 2.Sudalaimuthu
- 3.Ganeshkumar @ Ganesh
- 4.Angapparaj @ Raju
- 5.Kaliraj

: Petitioners/Accused Nos.1 to 5

Vs.

1. The State Rep. by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District. : 1st Respondent/Complainant
2. Sekar : 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the Charge Sheet in C.C.No.172 of 2016 on the file of the learned Judicial Magistrate No.I, Sivagangai and quash the same.

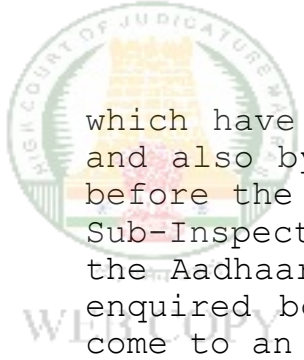
For Petitioners : Mr.R.Rajeswaran
For Respondents : Mr.K.Suyambulinga Bharathi for R1
Government Advocate [Criminal Side]
Mr.P.Edinbrough for R2

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.172 of 2016 on the file of the learned Judicial Magistrate No.I, Sivagangai pursuant to the compromise arrived at by the parties.

2. The case is still in 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. The parties were also present before the Court and they were identified by Mr.S.Thangaraj, Special Sub-Inspector of Police 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 Sessions Case 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 Charge Sheet in C.C.No.172 of 2016 on the file of the learned Judicial Magistrate No.I, Sivagangai

5. This Criminal Original Petition stands allowed and as a sequel, the Charge Sheet in C.C.No.172 of 2016 on the file of the learned Judicial Magistrate No.I, Sivagangai, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. Except the second petitioner, all other petitioners shall pay a sum of Rs.500/- as costs, to the credit of the "Cancer Institute (WIA) Gandhi Nagar Canal Bank Road, Adyar, Chennai - 20" (payable in Account No.149710011000002, Savings Bank, Andhra Bank, Madhya Kailash Branch, Cancer Institute (WIA) Campus, Sardar Patel Road, Chennai - 36, Branch Name and Code: 1497, MICR No.600011049, IFSC Code: ANDB0001497), 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 (Crl.side)

/True Copy/

Sub Assistant Registrar (CS-IV)

Encl.: Xerox copy of Compromise Memo

To

1. The Judicial Magistrate No.I, Sivagangai.

2. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.



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

4. The Officer in-charge,
Cancer Institute (WIA)
Gandhi Nagar, Canal Bank Road,
Adyar, Chennai - 20

Copy To:-

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

TM

TE/RP/SAR-4 : 08/11/2018 : 3P/7C

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