



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P.[MD].No.18130 of 2018

1.Muthamil Selvan
2.Karthikeyan
3.Viknesh
4.Vengatesan
5.Jegan
6.Premkumar
7.Sakthivel
8.Mohan
9.Ananth
10.Thirumurugan
11.Thamilaran
12.Santhosh
13.Prakash
14.Amirthalingam

: Petitioners

Vs.

1.The Inspector of Police,
Mathur Police Station,
Pudukkottai District.

2.Muthusamy

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C to call for the records in P.R.C.No.10 of 2018 pending on the file of the respondent and quash the same.

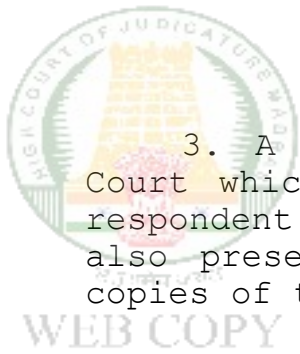
For Petitioners : Mr.P.Ganapathi Subramanian
For R-1 : Mr.M.Chandra Sekaran
Additional Public Prosecutor

For R-2 : Mr.M.Laxmi Mahendraa

ORDER

The Criminal Original Petition has been filed to quash the proceedings in P.R.C.No.10 of 2018 on the file of the learned Judicial Magistrate, Keeranur, for an alleged offences under Sections 498(A), 294(b), 323, 494, 506(i) r/w. 120(b) of IPC.

2. The case is still in the stage of committal. By passage of time, the parties have decided to bury their hatchet and



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 enquired the defacto complainant in person. The defacto complainant stated that when the petitioners took away the jewels belonging to the defacto complainant, the entire dispute arose and thereafter, the dispute was amicably resolved among the parties. Therefore, he stated that the entire proceedings can be closed, taking into consideration the interest of both the parties. This Court wanted to enquire the defacto complainant in this case since the offence under Section 395 IPC was also forming part of the final report. The Court is now convinced that a private dispute has been projected as if dacoity has been committed by the petitioners. This Court is convinced that no such dacoity took place and the entire situation was blown out of the proportion. Admittedly, there are no cases pending against these petitioners for the same offence.

5. 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 Gujrat)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in P.R.C.No.10 of 2018.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in P.R.C.No.10 of 2018, on the file of the learned Judicial Magistrate, Keeranur, 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.1000/- 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 (ADI)

// True Copy //

Sub Assistant Registrar(CS-I)



1.The Judicial Magistrate Keeranur.

2.The Inspector of Police,
Mathur Police Station,
Pudukkottai District.

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

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

5. Cancer Institute (WIA),
Gandhi Nagar Canal Bank Road,
Adyar, Chennai - 20.

+1 CC To MR.P.GANAPATHI SUBRAMANIAN, Advocate SR. NO. 90247

Cr1.O.P.[MD].No.18130 of 2018
10.10.2018

TR/SV/SAR-I (14.11.2018) 3P 7C