



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P. (MD)No.7116 of 2013

and

M.P. (MD)No.1 of 2013

1.Abdul Hakeem
2.Muhamutha Beevi
3.Shakila Banu

... Petitioners/Respondents 1 to 3

Vs.

1.R.S.Mehraj Kani
2.Minor Afrin,
Minor respondent is rep. by her mother
and natural guardian
R.S.Mehraj Kani

... Respondents/Complainants

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to M.C.No.5 of 2013 pending on the file of the Judicial Magistrate Court No.III, Thanjavur, and quash the proceedings as against the petitioners herein.

For Petitioners : Mr.M.Karunanithi

For Respondents : Mr.G.Karnan

ORDER

The petitioners have filed this Criminal Original Petition for quashing the proceedings in M.C.No.5 of 2013 on the file of the Judicial Magistrate Court No.III, Thanjavur.

2.The learned counsel appearing for the petitioners submitted that there was a compromise entered into between the parties and that after the settlement was finalised, the first respondent had gone back on her words and filed the impugned complaint. The learned counsel appearing for the respondents, however, submitted that no compromise was actually finalised. Since there is a factual dispute, this Court exercising power under Section 482 Cr.P.C. cannot really go into the same. It is for the petitioners to agitate their defence before the Court concerned. The petitioners can however, be permitted to be



represented through their counsel before the learned Trial Magistrate. The learned Trial Magistrate shall insist upon the appearance of the petitioners only if it is absolutely necessary and imperative. The petitioners shall be at liberty to raise all the contentions put forth in this Criminal Original Petition before the Trial Court.

3. With the above observation, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate No.III,
Thanjavur.

+1 cc to M/S.G.Karnan, Advocate, IN SR No.63442

Cr1.O.P.(MD)No.7116 of 2013
25.04.2018

smn2
PK/CM-PN/SAR-3/16.05.2018 : 2P/3C