

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.2178 of 2019

1.Elangumaran

2.Manimaran

... Petitioners/Accused 1 & 2

Vs.

State Rep. By

1.The Sub-Inspector of Police,
Vaduvoor Police Station,
Mannargudi, Thiruvarur District.

... Respondent/Complainant

2. Selvaraj

... Respondent/Defacto
Complainant/PW-1

3. Amuldoss

... Proposed Respondent/PW-2

Prayer: Criminal Original petition filed under Section 482 of the Criminal Procedure Code, to call for the records in C.C.No.240 of 2012 on the file of the learned Judicial Magistrate No.I, Mannargudi, Thiruvarur District and may be pleased to quash the same.

For Petitioners: Mr.K.R.Ramesh Kumar

For R1 : Mr.Mohamed Riyaz
Additional Public Prosecutor

For R2 & R3 : Mr.A.Nagarajan

ORDER

The Criminal Original Petition has been filed to quash the proceedings in C.C.No. 240 of 2012 on the file of the learned Judicial Magistrate No.I, Mannargudi, Thiruvarur District.

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 on 29.01.2019 which have been signed by the petitioners

and the respondents 2 & 3 and also by their respective counsel. The parties were also present before the Court and they were identified 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 C.C.No.240 of 2012 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 C.C.No. 240 of 2012, on the file of the first respondent.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No. 240 of 2012 on the file of the learned Judicial Magistrate No.I, Mannargudi, Thiruvarur District is quashed only in so far as this petitioner is concerned. It is made clear that the proceedings can continue in so far as the other accused persons are concerned and the terms of Joint Compromise Memo shall form part and parcel of this order. Each of the petitioner shall pay a sum of Rs.2000/- as cost, to the credit of the Chief Justice Relief Fund, High Court, Madras, 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.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

dss

To

1. The Judicial Magistrate No.I,
Mannargudi,
Thiruvarur District.
2. The Sub-Inspector of Police,
Vaduvoor Police Station,
Mannargudi, Thiruvarur District.

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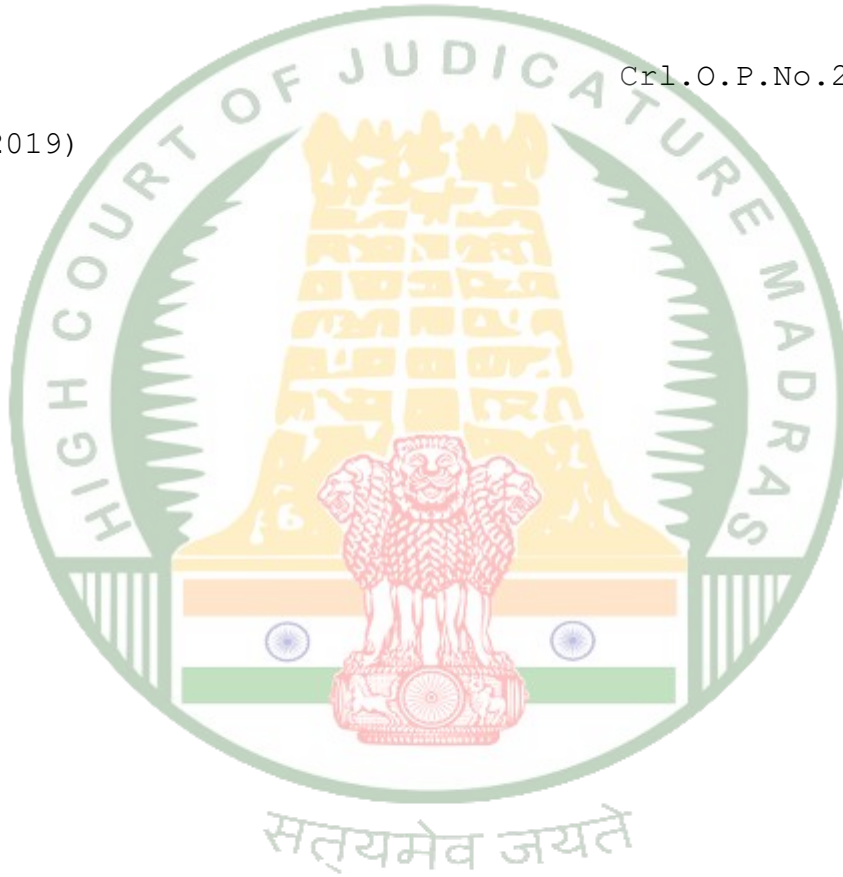
3. The Public Prosecutor,
Madras High Court.

Copy to
The Section officer
Accounts Section
High Court, Madras 104.

+2 Ccs to Mr.Ganesh Rajan, Advocate sr 7464.

Crl.O.P.No.2178 of 2019

SP(12/02/2019)



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