



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE
CrI.O.P.[MD]No.3288 of 2019

Rasoolmoideen

: Petitioner

Vs.

State through by

1.The Inspector of Police,
Melapalayam Police Station,
In Cr.No.141/2016,
Tirunelveli District.

2.Abdul Mazhith

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the P.R.C.No.136/2016 on the file of the Judicial Magistrate No.V, Tirunelveli and quash the same.

For Petitioner : Mr.C.Susi Kumar

For R-1 : Mr.V.Neelakandan
Additional Public Prosecutor

For R-2 : Mr.R.Kathiresaperumal

ORDER

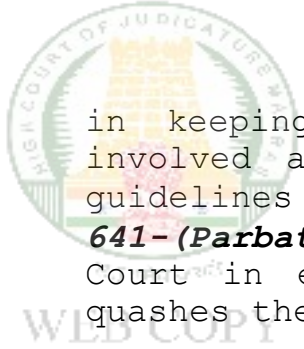
The Criminal Original Petition has been filed to quash the proceedings in P.R.C.No.136 of 2016, on the file of the Judicial Magistrate No.V, Tirunelveli, for an alleged offences under Sections 452, 294(b), 506(i) IPC and 4 of TNPH Women Act, 2002 r/w 3 of Tamil Nadu Medical Service Person and Medicare Services Institution Prevention of Violence and Damage or Loss to Property Act, 2008. The offences are chiefly private in nature.

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 which have been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by P.Chillayi, Special Sub-Inspector of Police, Melapalayam Police Station, Tirunelveli, Contact No.9498191371. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

<https://heservices.ecourts.gov.in/hcservices/>

4. 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 Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in P.R.C.No.136 of 2016.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in P.R.C.No.136 of 2016, on the file of the Judicial Magistrate No.V, Tirunelveli is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. The petitioner shall pay a sum of Rs.1,000/-, as costs, to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry, Madurai Bench), 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)

Encl:Xerox Copy of Joint Compromise Memo.
To

1.The Judicial Magistrate No.V, Tirunelveli.

2.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli District

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

4.The District Siddha Medical Officer,
CCRI, Periyakulam.

+1cc to Mr.C.SUSIKUMAR, Advocate, SR.No. 56360

Copy to: The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai.(2 COPIES)

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rmi/ta

KK/SAR/23.04.2019/ 2P- 8C