



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Cr1.O.P.[MD]No. 3410 of 2019

1. J. Babu @ Mohemed Kani
2. M. Siraj @ Mohemed Sirage : Petitioners/Accused.1 & 3

Vs.

1.The State through
The Inspector of Police,
Uraiyur Police Station,
Trichy.
(in Crime No. 498 of 2015) : Respondents No.1/De-Jure
Complainant

2. Akbar : Respondents No.2/Defact-
Complainant

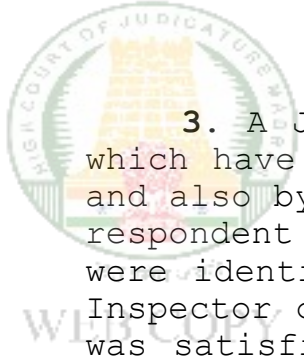
PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in pertaining to the C.C.No. 211 of 2018, pending on the file of the learned Judicial Magistrate-IV, Trichy and quash the same.

For Petitioners : Mr.R. Alagumani
For Respondent-1 : A.P.G.Ohm Chairma Prabhu
Government Advocate [Cr1.Side]

ORDER

The Criminal Original Petition has been filed to quash the proceedings in C.C.No. 211 of 2018, on the file of the learned Judicial Magistrate-IV, Trichy for an alleged offences under Sections 294(B), 323 and 506(ii) of the I.P.C. It is primarily in the nature of a private offence.

2. When the matter is came up for hearing, the learned Government (Criminal Side) submitted that originally the case was charge sheeted against four accused persons. He further submitted that, after full-fledged trial, the learned Judicial Magistrate-IV, Trichy, acquitted the accused No.2 & 4 and now the present petitioners/accused No.1 & 3 have filed the present petition to quash the proceedings in C.C.No. 211 of 2018, pending on the file of the learned Judicial Magistrate-IV, Trichy. 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 petitioners and the second respondent were also present in person before this Court and they were identified by Mr.D. Baskaran, Special Sub-Inspector of Police. 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 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 C.C.No. 211 of 2018.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No. 211 of 2018, on the file of the learned Judicial Magistrate-IV, Trichy, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. Each of the petitioners 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 (CS-II)

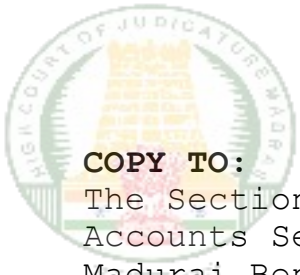
// True Copy //

Sub Assistant Registrar()

To

Encl: Xerox copy of Joint Compromise Memo

1. The Judicial Magistrate Court-IV,
Trichy.
2. The Inspector of Police,
Uraiyur Police Station,
Trichy.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**COPY TO:**

The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court, Madurai.

WEB COPY

+2. C.C. to Mr.R. Alagumani Advocate SR.No.52099

Cr1.O.P. [MD]No.3410 of 2019
06.03.2019

KK/SAR- /04.04.2019/3P/7C