



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P.(MD).No.3942 of 2019

Ravichandran .. Petitioner/Sole Accused
Vs.

1.The Inspector of Police,
Peraiyur Police Station,
Peraiyur, Madurai District.
(Crime No.235 of 2013) .. 1st Respondent/Complainant

2.Jeyalakshmi .. 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records in pertaining to the C.C.No.46 of 2016 on the file of the District Munsif cum Judicial Magistrate Court, Peraiyur and quash the same as illegal.

For Petitioner : Mr.T.Vadivelan
For Respondents : Mr.V.Neelakandan,
Additional Public Prosecutor

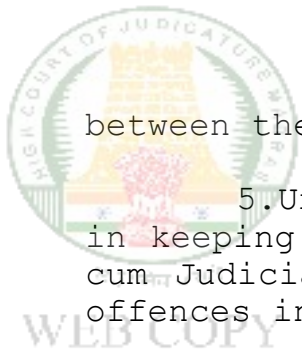
O R D E R

This petition has been filed by the petitioner seeking to quash the proceedings in C.C.No.46 of 2016 on the file of the District Munsif cum Judicial Magistrate Court, Peraiyur.

2.The case of the prosecution is that on false promise that the petitioner will secure a job to the second respondent, he had obtained a sum of Rs.9,00,000/- from the second respondent. Since, he did not do so the second respondent demanded the petitioner to repay the amount to her. However, the petitioner repaid only a sum of Rs.3,50,000/-. But, he did not repay the balance amount. Hence, she lodged a complaint before the respondent police and a case has been registered under Section 420 of IPC.

3.By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4.A joint memo of compromise has been filed before this Court, which has 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 the Inspector of Police, Peraiyur Police Station. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement



between themselves.

5. Under such circumstances, no useful purpose will be served in keeping the C.C.No.46 of 2016 on the file of the District Munsif cum Judicial Magistrate Court, Peraiyur, pending, even though, the offences involved are not compoundable in nature.

6. Further, the Hon'ble Supreme Court in the decision reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Guj Rath)**, has held as follows:

"(1) Section 482 Cr.P.C preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

(2) The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 Cr.P.C. The power to quash under Section 482 is attracted even if the offence is non-compoundable."

7. In view of the compromise entered into between the parties and as per decision in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Guj Rath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the C.C.No.46 of 2016.

8. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.46 of 2016 on the file of the District Munsif cum Judicial Magistrate Court, Peraiyur 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.5,000/- (Rupees Five Thousand only) as costs, to the credit of Legal Services Authority attached to the Madurai Bench of Madras High Court, Madurai, within a period of two weeks from the date of receipt of a copy of this order and file a photocopy of the receipt along with the memo for reporting compliance in the Registry.

Sd/-

Assistant Registrar

// True Copy //



ENCL: XEROX COPY OF JOINT COMPROMISE MEMO

To

1.The District Munsif cum Judicial Magistrate, Peraiyur.

2.The Chief Judicial Magistrate, Madurai.

3.The Inspector of Police, Peraiyur Police Station,
Peraiyur, Madurai District.

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

Copy to:

1.The Section Officer,
Criminal Section,
Madurai Bench Of Madras High Court,
Madurai.

2.The Officer Incharge,
Legal Services Authority,
Madurai Bench Of Madras High Court,
Madurai.

+1CC to Mr.T.VADIVELAN , Advocate SR.No. 55517.

Cr1.O.P.(MD) .No. 3942 of 2019

18.03.2019

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