



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 15.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P. (MD) No.5334 of 2019

WEB COPY

1.V.Anandbabu
2.Priya
3.Sivakumar

: Petitioners

Vs.

1.The Inspector of Police,
B5, South Gate Police Station,
Madurai District.
(Crime No.103 of 2012)

2.Zaheer Hussain

: Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the charge sheet in C.C.No.61 of 2014 on the file of the learned Judicial Magistrate No.IV, Madurai, and quash the same.

For Petitioners : Mr.K.S.Duraipandian
For R1 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl. Side)

For R2 : Mr.D.Sreedhar

ORDER

The Criminal Original Petition has been filed to quash the charge sheet in C.C.No.61 of 2014 on the file of the learned Judicial Magistrate No.IV, Madurai.

2.The case of the prosecution is that the first accused is the bullion merchant, the second accused is the wife of the first accused and the third accused is friend of first accused. Al inducing the defacto complainant and borrowed a sum of Rs.1,31,000/- and 54 sovereigns of Gold jewels for development of his business. Thereafter, he failed to return back the same, for which, the defacto complainant lodged a complaint before the respondent police. The respondent police registered a case against the accused persons for the offence punishable under Sections 406, 420, 294(b), 506(ii), 120(b) r/w 34 of I.P.C. After completion of enquiry, the respondent police filed a charge sheet before the learned Judicial Magistrate No.IV, Madurai and the learned Judge taken cognizance in C.C.No.61 of 2014.

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

3.While the case is in progress the petitioners/accused



persons and the defacto complainant filed a compromise memo for quash the complaint.

4. 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. In order to identify the respective parties they have also produced the copy of the Aadhaar Card is 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.

5. 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 **Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath** [(2017) 9 SCC 641] and **The State of Madhya Pradesh Vs. Laxmi Narayan & Others CDJ** [2019 SC 264] , this Court in exercise of its jurisdiction under Section 482 Cr.P.C, quashes the proceeding in C.C.No.61 of 2014.

6.The learned Government Advocate (Criminal Side) appearing for the respondent police has no objection and identified the parties, who appeared before this Court.

7.This Criminal Original Petition stands allowed and as a sequel, the proceeding in C.C.No.61 of 2014, pending on the file of the learned Judicial Magistrate No.IV, Madurai, 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 "District Siddha Medical Officer, CCRI, Periyakulam" (payable in Account No.10767823177, IFSC Code.SBIN 0000898, M.I.C.R. Code.625002601, State Bank of India, Periyakulam), 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-III)

// True Copy //

Sub Assistant Registrar(CS)

Encl:Xerox copy of joint compromise memo

To

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

1. The Judicial Magistrate No.IV, Madurai.



2.The Inspector of Police,
B5, South Gate Police Station,
Madurai District.

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

Copy to

The District Siddha Medical Officer
CCRI, Periyakulam

+1 CC to M/s.K.S.DURAI PANDIAN, Advocate (SR-61303[F] dated
16/04/2019)

das

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15.04.2019

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