



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.04.2019
CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

WEB COPY

Crl.O.P.No.5474 of 2019

1.Alangara Raja
2.Dasnavis Jeyanathi

.. Petitioners/A1 & A2

Vs

1. State Rep. by
The Inspector of Police,
Kurumboor Police Station,
Thoothukudi District.
(Crime No.279 of 2014)

..1st Respondent/Complainant

2. Nishanth

.. 2nd Respondent/Defacto
Complainant

Prayer:Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to C.C.No.166 of 2015 pending before the learned Judicial Magistrate Court, Srivaikundam, Thoothukudi District in connection with the Crime No.279 of 2014 on the file of the first respondent police and quash the same.

For Petitioners	: Mr.S.Vanchinathan
For R1	: Mr.K.Suyambulinga Bharathi
	Government Advocate (Crl.Side)
For R2	: Mr.T.Lajapathi Roy

O R D E R

The Criminal Original Petition has been filed to quash the C.C.No.166 of 2015 pending before the learned Judicial Magistrate Court, Srivaikundam, Thoothukudi District in connection with the Crime No.279 of 2014 on the file of the first respondent police.

2. The case of the prosecution is that A1 and the defacto complainant are brothers. A2 is the wife of the defacto complainant's another brother. There is a civil dispute between A1 & A2 and the defacto complainant. In which, A1 & A2 went to the defacto complainant's house and abused the filthy language against the defacto complainant and his wife and attacked them with a wooden log. Thereby, the defacto complainant lodged a complaint before the respondent police. After completing the investigation, the respondent police filed charge sheet in C.C.No.166 of 2015 before the Judicial Magistrate Court, Srivaikuntam, Thoothukudi District.

3. 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.



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 which 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. The learned Government Advocate (Crl.Side) appearing for the respondent police has no objection and Mr.S.Sundhararaj, Special Sub-Inspector of Police, Kurumboor Police Station, Thoothukudi District, identified the parties, who appeared before this Court.

6. Under such circumstances, no useful purpose will be served in keeping the trial 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 C.C.No.166 of 2015.

7.This Criminal Original Petition stands allowed and as a sequel, the case in C.C.No.166 of 2015 pending before the Judicial Magistrate Court, Srivaikundam, Thoothukudi District is quashed. 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 two weeks 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)

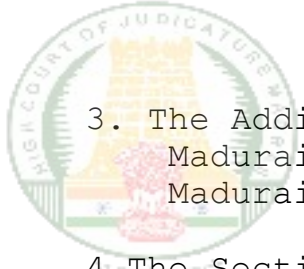
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Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate Court,
Srivaikundam,
Thoothukudi.

2. The Inspector of Police,
Kurumboor Police Station,
Thoothukudi District.



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

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

+1cc to Mr.S.Vanchinathan, Advocate, SR.No. 60544

Cr1.O.P.No.5474 of 2019

DSS

KK/SAR/08.05.2019/ 3P- 6C