



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE
Cr1.O.P.[MD]No.5508 of 2019

WEB COPY

1.Diwan @ Athakanu

2.Saral Beevi

3.Mydeen Beevi

4.Mansu @ Mohammed Mansur

5.Diwan Kasim : Petitioners/Accused Nos.1 to 5

Vs.

1.State represented through
The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
(In Crime No.159 of 2012)

:Respondent/Complainant

2.M.Mydeen : Respondents/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records of the impugned charge sheet in C.C.No.18 of 2019 on the file of the learned District Munsif Cum Judicial Magistrate Court, Cheranmahadevi and quash the same as illegal.

For Petitioners : Mr.S.M.A.Jinnah

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

For R-2 : Mr.Kaushikan

ORDER

The Criminal Original Petition has been filed to quash the proceedings in C.C.No.18 of 2019 on the file of the District Munsif Cum Judicial Magistrate Court, Cheranmahadevi, for the alleged offence under Sections 147, 323, 506(ii) IPC against the first petitioner and Sections 147, 323 IPC against the second, third and fourth petitioners and Sections 147, 506(ii) IPC against the fifth petitioner.

2. The case is still in the stage of investigation. 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 Mrs. Mary Anitha, Sub-Inspector of Police, Suthamalli Police Station, Tirunelveli District. 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 in C.C.No.18 of 2019 pending, even though, the offence involved is not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in ***the State of Madhya Pradesh Vs. Laxmi Narayan & Others*** [CDJ 2019 SC 264] and ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat*** [(2017) 9 SCC 641], this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in C.C.No.18 of 2019 on the file of the District Munsif Cum Judicial Magistrate Court, Cheranmahadevi.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.18 of 2019 on the file of the District Munsif Cum Judicial Magistrate Court, Cheranmahadevi 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.500/-, as costs, to the credit of the "District Siddha Medical Officer, CCRI, Periyakulam" (payable in Account No.10767823177, SBI, 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

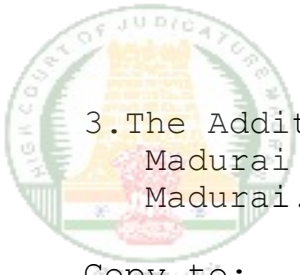
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Sub Assistant Registrar(CS)

To

1.The District Munsif
Cum Judicial Magistrate Court,
Cheranmahadevi.

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



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

Copy to:

1. The District Siddha Medical Officer, CCRI, Periyakulam. (payable
in Account No.10767823177, SBI, Periyakulam).

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

+1cc to Mr.S.M.A.Jinnah, Advocate, SR.No. 63118

Cr1.O.P. [MD]No.5508 of 2019

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KK/SAR/11.06.2019/3P-8C