



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE
CrI.O.P.[MD]No.5653 of 2019

WEB COPY

1.Iyappan @ Hariharasudhan

2.Nagarajan

3.Velumani

4.Udayar @ Vijaya Udayar

5.Rajendran

6.Vaigundaraman

Mandiram (Died)

7.Subramanian

8.Thambudurai : Petitioners

Vs.

1.The State rep. by its
Inspector of Police,
Tirunelveli Medical College Hospital,
(TVMCH) Police Station,
Tirunelveli City.
(Cr.No.106 of 2012) :1st Respondent/Complainant

2.Sundar @ Somasundaram :2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to in P.R.C.No.55 of 2018 pending on the file of the learned Judicial Magistrate Court No.I, Tirunelveli, Tirunelveli District and quash the same.

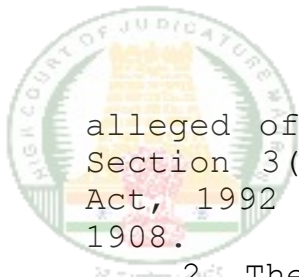
For Petitioners : Mr.S.Sundarapandian

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

For R-2 : Mr.S.Muthukumar

ORDER

The Criminal Original Petition has been filed to quash the proceedings in P.R.C.No.55 of 2015 on the file of the Judicial Magistrate Court No.I, Tirunelveli, Tirunelveli District, for the



alleged offence under Sections 147, 148, 448, 294(b), 307 IPC and Section 3(1) of TN Public Property (Prevention of Damage & Loss) Act, 1992 and Sections 3, 4(b) and 6 of Explosive Substances Act, 1908.

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 Mr.V.Arumugakani, Special Sub-Inspector of Police, TVMCH Police Station, Tirunelveli City. 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 P.R.C.No.55 of 2015 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 P.R.C.No.55 of 2015 on the file of the Judicial Magistrate Court No.I, Tirunelveli, Tirunelveli District.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in P.R.C.No.55 of 2015 on the file of the Judicial Magistrate Court No.I, Tirunelveli, Tirunelveli District 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

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate Court No.I,
Tirunelveli, Tirunelveli District.

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



2.The Inspector of Police,
Tirunelveli Medical College Hospital,
(TVMCH) Police Station,
Tirunelveli City.

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

Copy to:

The District Siddha Medical officer,
CCRI, Periyakulam

+1cc to Mr.S.SUNDARAPANDIAN, Advocate, SR.No. 62574

Cr1.O.P. [MD]No.5653 of 2019

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KK/SAR/03.06.2019/3P-6C