



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE
CrI.O.P.[MD]No.5946 of 2019

WEB COPY

- 1.Johnson
- 2.Joseph Antony
- 3.Stephen Jose
- 4.Stephen John
- 5.S.Satheesh
- 6.T.Kannaprakash
- 7.Arul Joy
- 8.Arul Shaju Raj
- 9.Shiju Pon Kumar
- 10.Anittus
- 11.Maarrto Milton
- 12.Sujin Arul Rose
- 13.Krishna Kumar

: Petitioners/Accused Nos.1 to 4 ,
6,9 to 16

Vs.

- 1.State represented by
Inspector of Police,
Karungal Police Station,
Kanyakumari District.
Cr.No.84 of 2003.

:1st Respondent/Complainant

- 2.Gladis Leema Rose

:2nd Respondent/De-facto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to admit this quash petition and call for the records in P.R.C.No.22 of 2004, on the file of the learned Principal District Munsif cum Judicial Magistrate Court at Eraniel, Kanyakumari District and to quash the same.

For Petitioner

: Mr.V.H.S.Prathap

For R-1

: Mr.V.Neelakandan,
Additional Public Prosecutor.

For R-2

: Mr.S.A.Ganapathyraman

ORDER

The Criminal Original Petition has been filed to quash the proceedings in P.R.C.No.22 of 2004 on the file of the Principal District Munsif cum Judicial Magistrate Court at Eraniel, Kanyakumari District, for the alleged offence under Sections 147, 148, 436, 379, 506(ii), r/w 114 IPC and Section 3(1) of Tamilnadu Property (Prevention of damages and loss) Act.



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 petitioner and the second respondent were also present in person before this Court and they were identified by Mr.T.Joseph Raj, Special Sub-Inspector of Police, Karungal Police Station, Kanyakumari 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 P.R.C.No.22 of 2004 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 Gujrath** [(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.22 of 2004 on the file of the Principal District Munsif cum Judicial Magistrate Court at Eraniel, Kanyakumari District.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in P.R.C.No.22 of 2004 on the file of the Principal District Munsif cum Judicial Magistrate Court at Eraniel, Kanyakumari 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)

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Enclose: Xerox Copy of Compromise Memo.

To

1.The Principal District Munsif cum
<https://hcservices.ecourts.gov.in/hcservices/>
Judicial Magistrate Court at Eraniel,
Kanyakumari District.



2.The Inspector of Police,
Karungal Police Station,
Kanyakumari District.

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

Copy to:

1.The District Siddha Medical Officer,
CCRI, Periyakulam.

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

+1 CC to M/s.V.H.S.PRATHAP, Advocate (SR-62697[F] dated
25/04/2019)

+1 CC to M/s.S.A.GANAPATHYRAMAN, Advocate (SR-62698[F] dated
25/04/2019)

Cr1.O.P.[MD]No.5946 of 2019

CS: (29/05/2019) 3P 8C