



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) .No.4018 of 2019

and

Crl.M.P. (MD) Nos.2378 & 2379 of 2019

1. G. Kamatchi
2. G. Koopaiyasamy
3. V. Kannan
4. M. Muthuvel
5. M. Rajaram
6. R. Muthuramalingam
7. M. Nagenderan
8. M. Murugesan
9. K. Kalidoss

... Petitioners

- Vs. -

- 1.The Inspector of Police
Peraiyur Police Station
Madurai District
Cr.No.78 of 2018

2. Radhakrishnan

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records pertaining to the charge sheet in P.R.C.No.15 of 2018 for offence under Section 147, 148, 452, 294(B), 323, 353, 307 of IPC and Section 3 of TNPPDL Act pending before the District Munsif cum Judicial Magistrate, Peraiyur, Madurai District and quash the same as illegal.

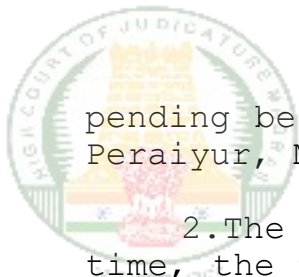
For Petitioners : Mr.S.Rajasekar

For R-1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)

For R-2 : Mr.M.Arjunvarman

ORDER

The Criminal Original Petition has been filed to quash the the charge sheet in P.R.C.No.15 of 2018 for offence under Sections 147, 148, 452, 294(B), 323, 353, 307 of IPC and Section 3 of TNPPDL Act



pending before the learned District Munsif cum Judicial Magistrate, Peraiyur, Madurai District.

2.The case is still at the stage of committal. 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.Vasu, Special Sub-Inspector of Police. 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 charge sheet is pending before the learned District Munsif cum Judicial Magistrate, Peraiyur, Madurai District. 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 charge sheet in P.R.C.No.15 of 2018, pending before the learned District Munsif cum Judicial Magistrate, Peraiyur, Madurai District.

5.This Criminal Original Petition stands allowed and as a sequel, the charge sheet in P.R.C.No.15 of 2018, pending before the learned District Munsif cum Judicial Magistrate, Peraiyur, Madurai District, is quashed and the terms of affidavit of the defacto complainant which shall form part and parcel of this order. The petitioners shall jointly pay a sum of Rs.5000/- (Rupees Five Thousand only) as costs, to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry), 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. Consequently, connected Miscellaneous Petitions are closed.

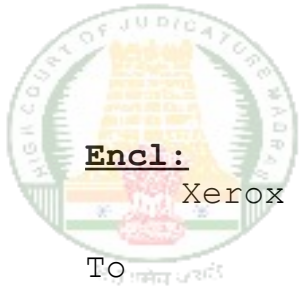
Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Ls



Encl:

Xerox copy of the Affidavit of Defacto Complainant

To

- 1.The District Munsif cum Judicial Magistrate,
Peraiyur, Madurai District.
- 2.The Inspector of Police
Peraiyur Police Station
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

1. The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court,
Madurai.
2. The Section Officer, (2 Copies)
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-87513[F] dated
18/09/2019)

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JMN(03.10.2019) 3P : 8C