



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD) .No.13402 of 2019

WEB COPY

1.Manickavasagam
2.Gnana Prakas @ Gnanam ... Petitioners/Accused Nos.1 & 2

Vs.

1.The State rep. by
The Inspector of Police,
Othakadai Police Station,
Madurai.
(In Crime No.125 of 2011) ... 1st Respondent/Complainant

2.Pandeeswari ...2nd Respondent/Defacto Complainant

3.Karthigaijothi ... Victim (Defacto Complainant's
Daughter)

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to Call for the records in relating to the proceedings in S.C.No.641 of 2018 on the file of the District & Sessions Court (Mahila Court), Madurai, Madurai District and quash the same as illegal.

For Petitioners: Mr.S.T.Sasidharan Tamilkani

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

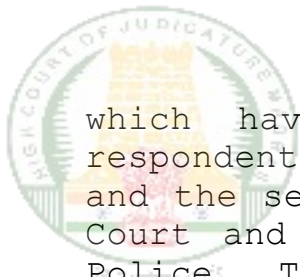
For R-2 : Mr.P.Banuprarasath

O R D E R

The Criminal Original Petition has been filed to quash the proceedings in S.C.No.641 of 2018, on the file of the District & Sessions Court (Mahila Court), Madurai, Madurai District, for an alleged offences under Sections 366(A) and 376 r/w 109 of IPC.

2. The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. The 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.Selvaraj, 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 First Information Report is pending before the respondent police. 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 First Information Report in Crime No.125 of 2011 pending on the file of the first respondent police.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.125 of 2011, on the file of the first respondent police, is quashed and the terms of affidavit of the *de facto* complainant, which shall form part and parcel of this order. Each of the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten 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.

Sd/-

Assistant Registrar (w)

// True Copy //

Sub Assistant Registrar (CS)

vsd

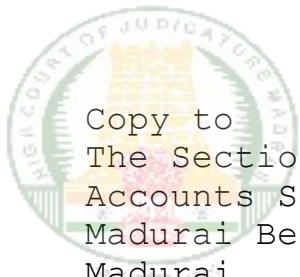
Encl:Xerox copy of Joint compromise memo

To

1.The Inspector of Police,
Othakadai Police Station,
Madurai.

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

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



Copy to
The Section Officer,
Accounts Section
Madurai Bench of Madras High Court
Madurai

WEB COPY

+1 CC to M/s.S.T.SASIDHARAN TAMILKANI, Advocate (SR-89985[F]
dated 27/09/2019)

+1 CC to M/s.P.BANUPRASATH, Advocate (SR-89986[F] dated
27/09/2019)

**Crl.O.P. (MD) .No.13402 of 2019
27.09.2019**

KM/(24.10.2019) 3P 6C