



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD).No.12453 of 2019

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S.Siva Anand

... Petitioner/ Sole Accused

Vs.

1. State rep. by
The Inspector of Police,
Thirumangalam Town Police Station
Madurai District.
(Crime No.481 of 2018)

... Respondent / Complainant

2. Olikodi

... 2nd Respondent/ *Defacto*
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in the charge sheet in C.C.No.35 of 2019 on the file of the Judicial Magistrate, Thirumangalam, Madurai District and quash the same.

For Petitioner

: Mr.R.Sundar

For R-1

: Mr.K.Suyambulinga Bharathi

Government Advocate (Crl. Side)

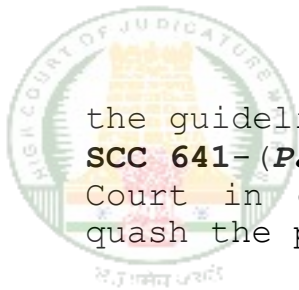
O R D E R

The Criminal Original Petition has been filed to quash the Charge sheet in C.C.No.35 of 2019 on the file of the Judicial Magistrate, Thirumangalam, Madurai District, for the offences under Sections 452 & 294(b) of IPC.

2. The case is under trial. 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 has been signed by the petitioner 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.Somasuntharam, 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 pending, 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 Gujarat)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quash the proceedings in C.C.No.35 of 2019.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.35 of 2019 on the file of the learned Judicial Magistrate, Thirumangalam, Madurai District, against Crime No.481 of 2018, is quashed and the terms of affidavit of the de facto complainant which shall form part and parcel of this order. The petitioner shall 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.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Encl.:Xerox Copy of Joint Compromise Memo

To

1. The Judicial Magistrate,
Tirumangalam
2. The Inspector of Police,
Thirumangalam Town Police Station
Madurai District.
(Crime No.481 of 2018)
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,
Criminal Section, (2 Copies),
Madurai Bench of Madras High court, Madurai



+1 CC to Mr.R. SUNDAR, Advocate (SR-85402[F] dated 05/09/2019)

Order made in

Crl.O.P. (MD) .No.12453 of 2019

Dated:05.09.2019

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