



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) .No.12662 of 2019

- 1.Muruga Krishnan
- 2.Parthiban @ Partheebaraj
- 3.Anandh
- 4.Chandra Kumar
- 5.Velmurugan
- 6.Murugaperumal
- 7.Balamurugan
- 8.Mahesh
- 9.Samy @ Samy Nathan
- 10.Suderson @ Pon Suderson
- 11.Balaguru
- 12.Siva @ Maran @ Gopala Krishnan

... Petitioners/
Accused Nos.1 to 12

Vs.

- 1.State rep. by
The Inspector of Police,
Koodankulam Police Station,
Thirunelveli District.

... 1st Respondent/Complainant

- 2.Sivalingam

... 2nd Respondent/LW 1

- 3.Vannithangam

... 3rd Respondent/LW 2

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records pertaining to PRC.No.16 of 2019 before the Judicial Magistrate, Valliyoor and quash the same.

For Petitioner : Mr.D. Venkatesh

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

For R2 & R3 : Mr. T. Lenin Kumar

ORDER

The Criminal Original Petition has been filed to quash the proceedings in PRC. No.16 of 2019 on the file of the learned Judicial Magistrate, Valliyoor for an alleged offences under



Sections 147, 148, 452, 323, 324, 342, 366 and 506(ii) IPC altered under Sections 148, 452, 323, 324, 342, 366 and 506(ii) IPC and Section 3 of TNPPDL Act r/w. Section 149 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 petitioners and the respondents 2 and 3 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.Ganesan, SI 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 proceedings in PRC. No.16 of 2019, 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 Gujrath), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in C.C.No.120 of 2017

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in PRC. No.16 of 2019 on the file of the learned Judicial Magistrate, Valliyoora, is quashed and the terms of affidavit of the defacto complainants 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)

Trp

To

1. The Judicial Magistrate,
Valliyoora.



2. The Inspector of Police,
Koodankulam Police Station,
Thirunelveli 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.D.VENKATESH, Advocate (SR-86503[F] dated 13/09/2019)

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JMN(04.10.2019) 3P : 8C