



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2019

CORAM

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

CRL.O.P. (MD) .No.12885 of 2019

R.Shunmugaraj

... Petitioner

Vs.

1.State rep.by

The Inspector of Police,
Thazhamuthu Nagar Police Station,
Thoothukudi District.
In Crime No.431 of 2016.

2.Sasikala

3.Aarthi

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records pertaining to the case in Special S.C.No.34 of 2017 pending on the file of the Fast Track Mahila Court, Thoothukudi, Thoothukudi District and quash the same as against the petitioner.

For Petitioner : Mr.R.Anand

For R1 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

For R2 and R3 : Mr.P.Samuel Gunasingh

ORDER

The Criminal Original Petition has been filed to quash the proceedings in Special S.C.No.34 of 2017, on the file of the Fast Track Mahila Court, Thoothukudi, Thoothukudi District.

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 have 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.Moorthy Manthiram, SSI 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 proceeding pending before the trial Court. 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 proceeding in Special S.C.No.34 of 2017, pending on the file of the Fast Track Mahila Court, Thoothukudi, Thoothukudi District.

5.This Criminal Original Petition stands allowed and as a sequel, the proceeding in Special S.C.No.34 of 2017, on the file of the Fast Track Mahila Court, Thoothukudi, Thoothukudi District, is quashed and the terms of affidavit of the defacto 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

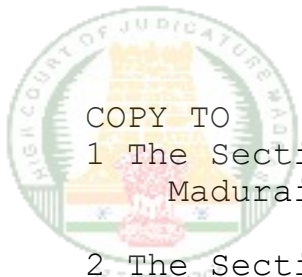
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Sub Assistant Registrar

**ENCL: Xerox Copy of the affidavit of Defacto Complainant/
Compromise Memo**

To

- 1.The Fast Track Mahila Court,
Thoothukudi, Thoothukudi District.
- 2.The Inspector of Police,
Thazhamuthu Nagar Police Station,
Thoothukudi 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, Criminal Section, (2 copies)
Madurai Bench Of Madras High Court, Madurai.

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+1 CC to M/s.R.ANAND, Advocate (SR-87502[F] dated 18/09/2019

CRL.O.P. (MD) .No.12885 of 2019
16.09.2019

DAS

MS/25.09.2019/3P.8C