



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) .No.13328 of 2019

WEB COPY

Balusamy ... Petitioner/Sole Accused
- Vs. -

1.The State rep. by
The Inspector of Police,
Valanadu Police Station,
Trichy District
Crime No.52 of 2019 ... 1st Respondent/Complainant

2.Siyamala ... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to Call for the records pertaining to the proceedings in C.C.No.99 of 2019 pending on the file of the Judicial Magistrate, Manapparai, Trichy District and quash the same.

For Petitioner : Mr.Pitchai Muthu

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

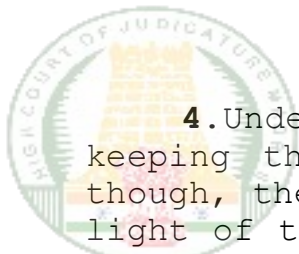
For R-2 : Mr.A.Mohamed Arief

ORDER

The Criminal Original Petition has been filed to quash the proceedings in C.C.No.99 of 2019 on the file of the Judicial Magistrate, Manapparai, Trichy District, having been taken cognizance for the offence under Sections 448, 294(B), 354 and 323 of I.P.C. and Section 4 of TN Prohibition of Harassment of Women Act, 2002.

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 Ms.M.Deepa Dravidamani, W.G.I.PC 1039. 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 calender case 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 Gujrat)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the criminal proceedings in C.C.No.99 of 2019 on the file of the Judicial Magistrate, Manapparai, as against the petitioner.

5.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.99 of 2019 on the file of the Judicial Magistrate, Manapparai is quashed and the terms of Joint Compromise memo 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 Madurai Bench of Madras 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(CS-III)

/TRUE COPY/

Sub Assistant Registrar

Enclosure: Xerox copy of Joint Compromise Memo.

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To

- 1.The Judicial Magistrate, Manapparai.
- 2.The Inspector of Police,
Valanadu Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:

THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Crl.O.P. (MD) .No.13328 of 2019

24.09.2019

JM/11.10.2019/2P/5C