



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.13275 of 2019

Vallinayagam

... Petitioner/Sole Accused

- Vs. -

1.The State rep. by

The Inspector of Police,
Srivaikuntam Police Station,
Thoothukudi District
(Crime No.324 of 2016)

..1st Respondent/Complainant

2.Prema

...2nd Respondent/De facto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to Call for the records pertaining to C.C.No.70 of 2017 on the file of the Judicial Magistrate, Srivaikuntam, Thoothukudi District and quash the same.

For Petitioner: Mr.S.Mandhira Lingeswaran

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

For R-2 : Mr.R.Ramachandran

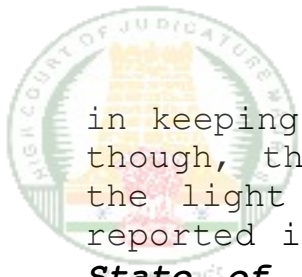
ORDER

The Criminal Original Petition has been filed to quash the proceedings in C.C.No.70 of 2017 on the file of the Judicial Magistrate, Srivaikuntam, Thoothukudi District, having been taken cognizance for the offence under Sections 294(B), 406, 506(i) of I.P.C.

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.An affidavit has been filed by the second respondent before this Court. The parties were also present before the Court. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.Palanisamy, Special 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.

<https://hcservices.hcscservices/h> 4.If involved in 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 Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the criminal proceedings in C.C.No.70 of 2017 on the file of the Judicial Magistrate, Srivaikuntam, as against the petitioner.

5.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.70 of 2017 on the file of the Judicial Magistrate, Srivaikuntam, is quashed and the terms of Affidavit 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-II)

// True Copy //

Sub Assistant Registrar(CS)

Arul

To

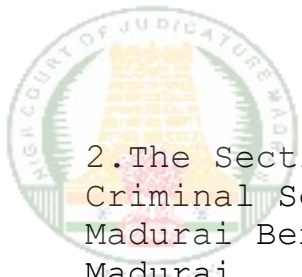
1.The Judicial Magistrate,
Srivaikuntam.

2.The Inspector of Police,
Srivaikuntam 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-2 copies
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

WEB COPY

+1 CC to M/s.S.MANDHIRALINGESWARAN, Advocate (SR-89085[F] dated
25/09/2019)

Crl.O.P. (MD) .No.13275 of 2019

24.09.2019

KM/ (04.10.2019) 3P 5C