



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) .No.13751 of 2019

WEB COPY

K.Sabapathy

... Petitioner/Accused rank not known

- Vs. -

1.State rep. by the
The Inspector of Police,
Achanpudur Police Station,
Tiruynelveli District
Crime No.85 of 2019.

... 1st Respondent/Complainant

2.Palanisamy

... 2nd Respondent/defacto
complainant

3.Gowsalya

... 3rd Respondent/Victim

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in crime No.85 of 2019 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.R.J.Karthick
For R-1 : Mr.R.Anandharaj, APP
For R-2&3 : Mr.S.Muthumalairaja

ORDER

The Criminal Original Petition has been filed to quash the case in Crime No.85 of 2019 on the file of the 1st respondent police as against the petitioner.

2.The case is still under investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3.A Joint Compromise Memo has been filed before this Court, which has been signed by the petitioner and the second respondent/defacto complainant as well as the 3rd respondent/victim and also by their respective counsel. The petitioner and the respondents 2 and 3 were also present in person before this Court and their identity is also verified through their Aadhar Cards. It is stated by the learned counsel appearing for the 2nd and 3rd respondents that the 3rd respondent is the victim and the accused married the 3rd respondent and she is now pregnant. 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 before the file of the 1st respondent police. 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 Gujraath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the criminal proceedings in Crime No.85 of 2019 on the file of the 1st respondent police as against the petitioner.

5. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.85 of 2019 dated on the file of the 1st respondent police 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 (P&A)

// True Copy //

Sub Assistant Registrar(CS)

Encl.:Xerox Copy of Joint Compromise Memo
To

- 1.The Inspector of Police,
Achanpudur Police Station,
Tirunelveli District
- 2.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

+1 CC to Mr.R.J.KARTHICK, Advocate (SR-90607[F] dated 01/10/2019)

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<https://hcservices.ecourts.gov.in/hcservices/>