



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P. (MD) .No.13700 of 2019

WEB COPY

1.Sathiyaraj @ Sathiyaraja
2.Raj @ Raj Narayanan
3.Nithya Balaji @ Nithiya Balaiah
4.Venkatesh Prabhu
5.Mayilnathan
6.Ramesh Seenivasan @
Seenivasan @ Ramesh ... Petitioners/A2 to 7
- Vs. -

1.The State rep. by
The Deputy Superintendent of Police,
Tirunelveli Rural Division,
Tirunelveli District.
2.The State rep. by
The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District
Crime No.42 of 2010 1&2 Respondent/Complainant
3.Mathiyalakan ...3rd Respondent /Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to quash the charge sheet filed by the 1st respondent police in S.C.No.133 of 2016 pending on the file of the 2nd Additional District and Sessions Court (PCR) Tirunelveli.

For Petitioners : Mr.N.Pragalathan
For R-1 & 2 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)
For R-3 : Mr.K,Muthurakkan

ORDER

The Criminal Original Petition has been filed to quash the charge sheet filed by the 1st respondent police in S.C.No.133 of 2016 pending on the file of the 2nd Additional District and Sessions Court (PCR) Tirunelveli.



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 Compromise Memo has been filed before this Court, which has been signed by the petitioners and the third respondent and also by their respective counsel. The petitioners and the third respondent were also present in person before this Court and they were identified by Mr.K.Ayyadurai. 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.

4.Under such circumstances, no useful purpose will be served in keeping the criminal proceedings pending before the 2nd Additional District and Sessions Court (PCR) Tirunelveli. 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 S.C.No.133 of 2016 on the file of the 2nd Additional District and Sessions Court (PCR) Tirunelveli. as against the petitioners.

5.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.133 of 2016 pending on the file of the 2nd Additional District and Sessions Court (PCR) Tirunelveli is quashed and the terms of Joint Compromise memo shall form part and parcel of this order. Since the petitioners 2 to 5 have five previous cases, each of the petitioners shall pay a sum of Rs.5000/- (Rupees Five Thousand only) each 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.

6.The Registry is directed to list the matter before this Court on 17.10.2019 for compliance.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)



Encl:Xerox copy of Joint Compromise memo

Arul

To

WEB COPY

- 1.The 2nd Additional District and Sessions Court (PCR)
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Tirunelveli Rural Division,
Tirunelveli District.
- 3.The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District
Crime No.42 of 2010
- 4.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 M/s.N.PRAGALATHAN, Advocate (SR-89738[F] dated
26/09/2019)

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26.09.2019

KM/(04.10.2019) 3P 7C