



WEB COPY

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.13933 of 2019

Sowkath Alikhan ... Petitioner/Sole Accused
Vs.

1.State rep. by
The Inspector of Police,
Kenikkarai Police Station
Ramanathapuram District ... 1st Respondent/Complainant
(in Crime No.273 of 2018)

2.Noor Mohamed ... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records relating to the impugned charge sheet in C.C.No. 263 of 2019 pending on the file of the learned Judicial Magistrate No.II, Ramanathapuram and quash the same.

For Petitioner : Mr.S.Shanmuganathan

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

ORDER

The Criminal Original Petition has been filed to quash the proceedings in C.C.No. 263 of 2019 pending on the file of the learned Judicial Magistrate No.II, Ramanathapuram for an alleged offences under Sections 448,294(b), 323 and 506(ii) of IPC

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 Mr.S.Saravakumar, SI 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 First Information Report pending, 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 proceedings in C.C.No.263 of 2019

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No. 263 of 2019 pending on the file of the learned Judicial Magistrate No.II, Ramanathapuram, 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 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(AD-II)

// True Copy //

Sub Assistant Registrar(CS)

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ENCL.: XEROX COPY OF JOINT COMPROMISE MEMO.

To

1. The Judicial Magistrate No.II, Ramanathapuram
2. The Inspector of Police,
Kenikkarai Police Station
Ramanathapuram 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,
Madurai Bench of Madras High Court, Madurai. (2 copies)

+1CC TO MR.S.SHANMUGA NATHAN, Advocate Sr. No. 90592

Cr1.O.P. (MD) .No.13933 of 2019
30.09.2019

DB (CO)

TR(22.10.2019) 2P 8C