



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) .No.14529 of 2019

WEB COPY

Sakthivel

... Petitioner/sole accused

Vs.

1. State represented through
The Inspector of Police,
All Women Police Station,
Ambasamuthiram,
Tirunelveli District.
(In Crime No.20 of 2017).

... 1st Respondent/Complainant

2. Sorimuthu

... 2nd Respondent/Defacto
Complainant

3. Santhiya

... 3rd Respondent/Victim

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records of impugned charge sheet in Spl. Case No.33 of 2018 on the file of the learned Sessions Judge, Mahalir Needhimandram (Full Additional Charge), Tirunelveli and quash the same.

For Petitioner : Mr.S.M.A. Jinnah
For R-1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. side)
For R-2 & R-3 : Mr.M. Kaushikan

ORDER

The Criminal Original Petition has been filed to quash the impugned charge sheet in Spl. Case No.33 of 2018 on the file of the learned Sessions Judge, Mahalir Needhimandram (Full Additional Charge), Tirunelveli.

2.The case is still at the stage of 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 have been signed by the petitioner and the respondents-2 & 3 and also by their respective counsel. The petitioner and the respondents-2 & 3 were also present in person before this Court and they were identified by M/s.Esakku Uma, W.P.C. Gr.I-3060. 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 proceedings is pending before the learned Sessions Judge, Mahalir Needhimandram (Full Additional Charge), 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 proceedings in Spl. Case No.33 of 2018 on the file of the learned Sessions Judge, Mahalir Needhimandram (Full Additional Charge), Tirunelveli.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl. Case No.33 of 2018, on the file of the learned Sessions Judge, Mahalir Needhimandram (Full Additional Charge), Tirunelveli, is quashed and the terms of affidavit of the Victim which 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 (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

Encl.:Xerox Copy of Affidavit of the Victim

To

1. The Sessions Judge,
Mahalir Needhimandram (Full Additional Charge),
Tirunelveli.
2. The Inspector of Police,
All Women Police Station,
Ambasamuthiram,
Tirunelveli 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

+1 CC to Mr.S.M.A.JINNAH, Advocate (SR-92268[F] dated 16/10/2019)

Crl.O.P. (MD) .No.14529 of 2019
15.10.2019

ksa

MK (15.11.2019) 3P 7C