



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.10.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD) .No.15107 of 2019

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Dinesh

... Petitioner/Sole Accused

Vs.

1.State Rep. by

The Sub-Inspector of Police,
Nesamony Nagar Police Station,
Nagercoil,
Kanyakumari District.
(Crime No.15 of 2019)

... 1st Respondent/Complainant

2.Sahaya Mary Santhi

...2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in C.C.No.37 of 2019 on the file of the learned Judicial Magistrate, Additional Mahila Court, Nagercoil and quash the same against the petitioner / accused.

For Petitioner : Mr.K.Vamanan

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

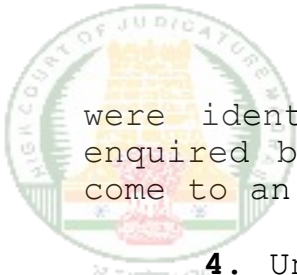
For R-2 :M/s.M.Padmavathi

O R D E R

The Criminal Original Petition has been filed to quash the proceedings in C.C.No.37 of 2019 on the file of the learned Judicial Magistrate, Additional Mahila Court, Nagercoil as against the petitioner.

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.Arul Das, SSI 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.37 of 2019.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.37 of 2019 on the file of the learned Judicial Magistrate, Additional Mahila Court, Nagercoil, is quashed and the terms of affidavit of the *de facto* complainant, 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

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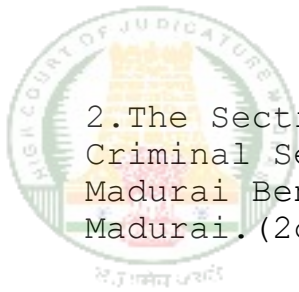
Sub Assistant Registrar(CS)

To

- 1.The Judicial Magistrate,
Additional Mahila Court,
Nagercoil.
- 2.The Sub-Inspector of Police,
Nesamony Nagar Police Station,
Nagercoil,
Kanyakumari 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.(2c)

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+2 cc Mr. K.VAMANAN ,Advocate, SR.No.95320

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31.10.2019

KK/SAR/19.11.2019/3P-9C/