



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2019

CORAM:

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

Crl.O.P.(MD) No.16020 of 2019

Rajesh

... Petitioner/Sole Accused

Vs.

1.State Rep by

The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
(Crime No.707 of 2015)

...1st Respondent/Complainant

2.Soundar Raj

...2nd Respondent/Defacto
complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to quash all further proceedings in Spl.S.C.No.29 of 2019 pending on the file of the learned Fast Track Court, Mahila Court, Kanyakumari District on the basis of the Joint Compromise Memo filed by the parties.

For Petitioner : Mr.Antony S. Prabhahar
For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)
For R2 : S.Sivakumar

ORDER

This petition has been filed to quash the proceedings in Spl.S.C.No.29 of 2019 pending on the file of the learned Fast Track Court, Mahila Court, Kanyakumari District.

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 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.David Raj, Special 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 First Information Report is pending before the 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 Guj Rath**), this Court in exercise of



its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in Spl.C.C.No.29 of 2019 pending on the file of the learned Fast Track Court, Mahila Court, Kanyakumari District.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in proceedings in Spl.C.C.No.29 of 2019 pending on the file of the learned Fast Track Court, Mahila Court, Kanyakumari District, is quashed and the terms of joint compromise memo, 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 before the Registry / first respondent and the trial Court on or before 21.11.2019, failing which, this order automatically stands cancelled without further reference to this Court and the trial Court can proceed with the trial in Spl.S.C.No.29 of 2019.

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar(CS)

Encl: Xerox copy of Joint Compromise Memo

dss

To

1.The Fast Track Court, Mahila Court,
Kanyakumari District.

2.The Inspector of Police,Karungal Police Station,
Kanyakumari District.

3.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.ANTONY.S.PRABAHAR, Advocate (SR-97084[F] dated
08/11/2019)

Crl.O.P.(MD) No.16020 of 2019
08.11.2019

KK/SAR/14.11.2019/2P-6C/