



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) .No.16276 of 2019

1.Murugesan
2.Gubendran
3.Kalidasan
4.Malaiyarasan @ Malaiyandi
5.Murugan @ Murugaraj ... Petitioners/Accused 1 to 5

- Vs. -

1.The State, rep. by
The Deputy Superintendent of Police,
Thirumangalam,
Madurai District.
2.The State rep. by its
The Inspector of Police,
Kallikudi Police Station,
Madurai District. ... Respondents 1 & 2/Complainants
3. Marimuthu, S/o.Karuppaiah ... Respondent No.3/Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the entire records in relating to the impugned proceedings of the charge sheet in Spl.S.C.No.90 of 2018 on the file of the III Additional District and Sessions Court (PCR), Madurai and to quash the same.

For Petitioners : Mr.N.Sathiyendiran
For R-1 & 2 : Mr.K.Suyambulinga Bharathi,
G.A., (Crl. Side)
For R-3 : Mr.Karthik

ORDER

The Criminal Original Petition has been filed to quash the charge sheet in Spl.S.C.No.90 of 2018 on the file of the III Additional District and Sessions Court (PCR), Madurai as against the petitioners.



2.The case is pending for 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 3rd respondent/defacto complainant and also by their respective counsel. The petitioners and the 3rd respondent were also present in person before this Court and their identity is also verified through Mr.S.Karuppasamy, 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 case pending before the trial Court. 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 Spl.S.C.No.90 of 2018 on the file of the III Additional District and Sessions Court (PCR), Madurai as against the petitioners.

5.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.90 of 2018 on the file of the III Additional District and Sessions Court (PCR), Madurai is quashed and the terms of Joint Compromise Memo shall form part and parcel of this order. The petitioners jointly 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 Madurai Bench of Madras High Court Registry), and file a photocopy of the receipt along with a memo reporting compliance before the Registry, 1st respondent and the trial Court on or before 25.11.2019, 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.90 of 2018.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

Arul

Encl : Xerox copy of the Joint Compromise memo



To

1.The Deputy Superintendent of Police,
Thirumangalam,
Madurai District.

2.The Inspector of Police,
Kallikudi Police Station,
Madurai District.

3.The III Additional District and Sessions Court (PCR), Madurai

4.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.

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JMN(15.11.2019) 3P : 7C