



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.11.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**
Crl.O.P. (MD) .No.16313 of 2019

WEB COPY

1.Siva
2.Karthick
3.Ashok Raja @ Ashok ... Petitioners/Accused Nos.1, 2 & 4

Vs.

1.The Inspector of Police,
Vadasery Police Station,
Nagercoil,
Kanyakumari District.
(In Crime No.856 of 2010) ...1st Respondent/Complainant

2.Udayakumar ...2nd Respondent/*De-facto* Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to quash all further proceedings in C.C.No.412 of 2011 pending on the file of the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District against the petitioners herein on the basis of the Joint Compromise memo filed by the parties.

For Petitioners : Mr.L.George Paul Anto
For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (crl.side)
For R2 : Mr.G.Kannan

O R D E R

The Criminal Original Petition has been filed to quash the proceedings in C.C.No.412 of 2011 pending on the file of the learned Judicial Magistrate No.II, Nagercoil, 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 petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Mr.R.Vijayakumar, 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 proceedings is pending before the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District. 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.412 of 2011 pending on the file of the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.412 of 2011 pending on the file of the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District, is quashed and the terms of Joint Compromise memo shall form part and parcel of this order. The petitioners shall jointly pay a sum of Rs.5,000/- (Rupees Five Thousand only) as costs, to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry), 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 **19.11.2019**, failing which, this order automatically stands cancelled without further reference to this Court and the trial Court can proceed with the trial in C.C.No.412 of 2011.

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar(CS)

vsd

Encl:Xerox Copy of Joint Compromise Memo.

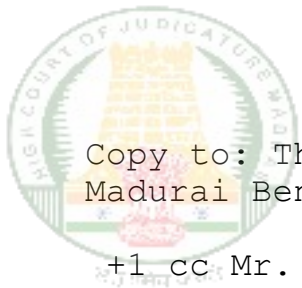
To

1.The Judicial Magistrate No.II, Nagercoil,
Kanyakumari District.

2.The Inspector of Police,
Vadasery Police Station,
Nagercoil, Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>



Copy to: The Section Officer, Accounts Section,
Madurai Bench of Madras High Court, Madurai.

+1 cc Mr. GEORGE PAUL ,Advocate, SR.No. 97416

WEB COPY

CrI.O.P. (MD) .No.16313 of 2019

KK/SAR/14.11.2019/3P-6C/