



WEB COPY

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.16342 of 2019

and

Crl.MP(MD) No.9731 of 2019

- 1.Vellaichamy
- 2.Kannan
- 3.Arumugam
- 4.Anbuselvi
- 5.Kalanchiyanathan
- 6.Vijayalakshmi

... Petitioners/Accused 1 to 6

Vs.

- 1.The State
rep by Inspector of Police,
Illayangudi Police Station,
Sivagangai,
Sivagangai District.
(Crime No.299 of 2017)

... Respondent/Complainant

- 2.Manimegalai
- 3.Jansirani
- 4.Veeraiah
- 5.Saroja

... 2nd Respondent/Defacto complainant

... Respondents 3 to 5/Victim

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in pursuant to the private complaint in C.C.No.13 of 2018 on the file of the learned District Munsif cum Judicial Magistrate, Ilayangudi, Sivagangai District and quash the same.

For Petitioners: Mr.K.Kalyani

For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

For R2 : Mr.R.Amarnath

ORDER

This petition has been filed to quash the proceedings in C.C.No.13 of 2018 on the file of the learned District Munsif cum Judicial Magistrate, Ilayangudi, Sivagangai 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.Pritto, 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 Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in C.C.No.13 of 2018 on the file of the learned District Munsif cum Judicial Magistrate, Ilayangudi, Sivagangai District.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in proceedings in C.C.No.13 of 2018 on the file of the learned District Munsif cum Judicial Magistrate, Ilayangudi, Sivagangai District, is quashed and the terms of joint compromise memo, which shall form part and parcel of this order. The petitioners 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 22.11.2019, 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.13 of 2018. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/ True Copy /

Sub Assistant Registrar (CS-II)



Encl: Xerox copy of Joint Compromise Memo

To

- 1.The District Munsif cum Judicial Magistrate,
Ilayangudi, Sivagangai District.
- 2.The Inspector of Police,
Ilayangudi Police Station,
Sivagangai,
Sivagangai 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.

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