



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2019

CORAM:

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

Crl.O.P. (MD) .No. 16600 of 2019

Mohamed Sikkandar Hisham ... Petitioner/Accused

Vs.

1. The Inspector of Police,
Eral Police Station,
Thoothukudi District.
(Crime No.323 of 2012)

2. Asha Barid

3. Mohideen Fathima Sumaiah ... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records and quash the proceedings in S.C. No. 185 of 2018 on the file of the District Magila Court, Thoothukudi District.

For Petitioner : Mr.S. Muthumalairaja

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

ORDER

The Criminal Original Petition has been filed to quash the proceedings in S.C. No. 185 of 2018 on the file of the District Magila Court, Thoothukudi District, for an alleged offences under Sections 446, 366 and 506(ii) of IPC.

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 have been signed by the petitioner and the respondents-2 & 3 and also by their respective counsel. The petitioners and the respondents-2 & 3 were also present in person before this Court and they were identified by Mr.Senthil Arumugam, Head Constable-175.



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.185 of 2018.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C. No. 185 of 2018 on the file of the District Magila Court, Thoothukudi, is quashed and the terms of joint compromise memo 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), and file a photocopy of the receipt along with the memo reporting compliance before the Registry/1st 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.185 of 2018.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

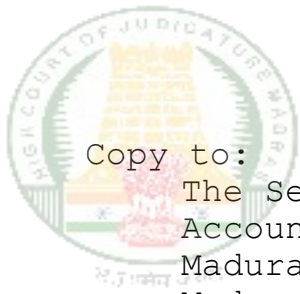
ksa

Encl:

Xerox copy of the Joint Compromise Memo

To

1. The District Magila Judge, Thoothukudi.
2. The Inspector of Police,
Eral Police Station,
Thoothukudi 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.

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+1 CC to M/s.S.MUTHUMALAIRAJA, Advocate (SR-98176[F] dated
14/11/2019)

Crl.O.P.(MD).No. 16600 of 2019
14.11.2019

JMN(19.11.2019) 3P : 6C