



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) No.7350 of 2017

and

Crl.M.P. (MD) Nos.5014 & 5015 of 2017

- 1) Sathiyam ... Petitioner / Accused - 11
2) Vijaya Samundeeswari ... Petitioner/ Accused - 12

Vs.

1. State thro the Inspector of Police,
All Women Police Station,
Virudhunagar
(Crime No.31 of 2016) ... 1st Respondent/ Complainant
2. Subamathi ... 2nd Respondent/ De facto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the impugned final report dated 05.05.2017 made in C.C.No.158 of 2017 on the file of the Judicial Magistrate No.2, Virudhunagar and quash the same.

For Petitioner : Mr.G.Mariappan

For R 1 : Mr.S.Chandrasekar,
Additional Public Prosecutor

For R 2 : Mr.M.Jegadeesan

O R D E R

This Criminal Original Petition has been filed seeking to quash C.C.No.158 of 2017, pending on the file of the learned Judicial Magistrate No.II, Virudhunagar.

2. The case is still in 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, dated 25.10.2019 has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsel. The petitioner and the 2nd respondent were also present in person before this Court and they were identified by the Investigating Officer. In order to identify the respective parties, they have also produced the copy of the Aadhaar Card and the same is made part of the record. A Demand Draft for a sum of Rs.75,00,000/- (Rupees Seventy Five laksh) has also been handed over to the *de facto* complainant/ wife in the open Court and the same has also been acknowledged. 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, 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 case in C.C.No.158 of 2017, pending on the file of the learned Judicial Magistrate No.II, Virudhunagar.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.158 of 2017, pending on the file of the learned Judicial Magistrate No.II, Virudhunagar is hereby quashed and the terms of Memo of Compromise shall form part and parcel of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Sts

Encl:

Xerox copy of the Joint Compromise Memo

To

1) The Judicial Magistrate No.II,
Virudhunagar



2) The Inspector of Police,
All Women Police Station,
Virudhunagar District.

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

+1 CC to M/s.G.MARIAPPAN, Advocate (SR-94788[F] dated 25/10/2019)

Order made in
Crl.O.P. (MD) No.7350 of 2017
Dated: 25.10.2019

JMN(08.01.2020) 3P : 5C