



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2019

CORAM:

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

Crl.O.P.(MD).No.16985 of 2019

Sakthivel

... Petitioner

Vs.

1.The Inspector of Police
Serakulam Police Station
Tuticorin District

2. Muthukani

3. Prema

... Respondents

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 charge sheet in S.C.No.80 of 2017 on the file of the learned Sessions Judge Mahila Court, Thoothukudi and to quash the same.

For Petitioner : Mr.M.S.Jeya Karthik

For R-1 : Mr.R.Anandharaj
Additional Public Prosecutor

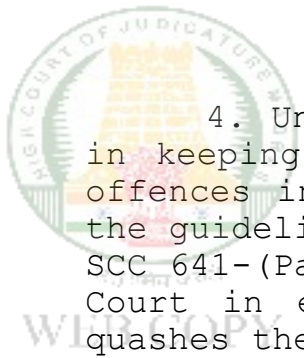
For R2 and R3 :Mr.A.Karthik

ORDER

The Criminal Original Petition has been filed to quash the proceedings in S.C.No.80 of 2017 on the file of the learned Sessions Judge Mahila Court, Thoothukudi for an alleged offences under Sections Woman Missing @ 366,342,417,494,376,506(ii) of IPC and Section 4 of TNPHW Act.

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 has been signed by the petitioner and the second and third respondents and also by their respective counsel. The petitioner and the second and third respondents were also present in person before this Court and they were identified by Mr.Sundharraj, SI 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 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 S.C.No.80 of 2017.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.80 of 2017 on the file of the learned Sessions Judge Mahila 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). Further the petitioner is directed to pay a sum of s.25000/-(Rupees Twenty Five thousand only) to the victim 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 27.11.2019, 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.91 of 2018.

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar(CS)

Encl:Xerox Copy of Joint Compromise Memo.

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To

1. The Sessions Judge Mahila Court, Thoothukudi

2.The Inspector of Police

Serakulam Police Station

Tuticorin 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.

+1 CC to M/s.M.S. JEYAKARTHIK, Advocate (SR-99674[F] dated 20/11/2019)

Crl.O.P. (MD) .No.16985 of 2019

19.11.2019

KK/SAR/20.11.2019/2P-6C/

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