



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2019

CORAM:

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

Crl.O.P.(MD).No.16969 of 2019

WEB COPY

1. Sudharson
2. Babu @ Aathibabu Shankar ... Petitioners/Accused Nos.1 and 2
Vs.

1.State rep. by
The Inspector of Police,
North Police Station
Thoothkudi, Thoothukudi District
(in Crime No.418 of 2013) ...1st Respondent/Complainant

2.Gnanaraj ... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in connection with charge sheet in C.C.No.1119 of 2017 on the file of the Judicial Magistrate No.III, Tuticorin and to quash the same in respect of the petitioners.

For Petitioners : Mr.V.Malaiyendran

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

For R-2 :Mr.S.Paul Murugesh

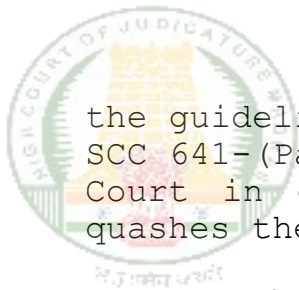
ORDER

The Criminal Original Petition has been filed to quash the proceedings in C.C.No.1119 of 2017 on the file of the Judicial Magistrate No.III, Tuticorin, for an alleged offences under Sections 294(b) 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 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.S.Maharajan, SSI 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 C.C.No.1119 of 2017.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.1119 of 2017 on the file of the Judicial Magistrate No.III, Tuticorin , is quashed insofar as the petitioners alone and the terms of joint compromise memo 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), 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 C.C.No.1119 of 2017

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar(CS)

Encl:Xerox Copy of Joint Compromise Memo.
To

1. The Judicial Magistrate No.III, Tuticorin
2. The Inspector of Police,
North Police Station
Thoothkudi, 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.

+1 cc Mr. V.MALAIYENDRAN ,Advocate, SR.No. 99420

Crl.O.P. (MD) .No.16969 of 2019
19.11.2019

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