



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2020

CORAM:

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THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P. (MD) .No.394 of 2020

1. Sudalaimani
2. Pravinkumar
3. Iyyappan

..Petitioners/A6, A8 & A10

Vs.

1. State through by
The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
in Crime No. 332 of 2016.

...R-1/Complainant

- 2.Pawuns

... R-2/Defacto complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records relating to the charge sheet in PRC No. 48 of 2018 on the file of the learned Judicial Magistrate, Valliyoor and quash the same.

For Petitioners : Mr.C.Susi Kumar
For R1 : Mr.S.Chandrasekar
Additional Public Prosecutor
For R2 : Mr.R.Maheswaran

O R D E R

The Criminal Original Petition has been filed to quash the proceedings in PRC No. 48 of 2018, on the file of the learned Judicial Magistrate, Valliyoor, for the offences punishable under Sections 147, 148, 294(b), 323, 506(i) of IPC r/w Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act 1992 and Section 447 of IPC.

2. The learned counsel appearing for the second respondent would submit that due to mistake of identity the name of the petitioners have been wrongly given and they were added as accused in this case. He would further submit that based on enquiry conducted by the R-1/Complainant it came to light that the petitioners have not involved in the above incident and hence, the



second respondent does not want to proceed the case against the petitioners alone. He would further submit that on mistaken identity the name of the petitioners have been included in the case. The second respondent has also filed an affidavit admitting the same.

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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 the police officials. 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 proceedings in PRC No. 48 of 2018 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 Gujrat)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in PRC No. 48 of 2018.

5. It is represented by the learned counsel for the petitioners that the petitioners paid a sum of Rs.5000/- (Rupees Five Thousand only) as costs to the Credit of 'Hands of Compassion' and filed the original cash receipt along with this memo on 09.01.2020. The said submission is placed on record.

6. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in PRC No. 48 of 2018, on the file of the learned Judicial Magistrate, Valliyoor, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

Sd/-

Assistant Registrar (P AND A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ksa

To

1. The Judicial Magistrate, Valliyoor.

2. The Inspector of Police,
Panagudi Police Station.

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



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

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-1278[F] dated 10/01/2020)

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09.01.2020

KK/SAR/06.02.2020/3P-5C/