



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2020

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P. (MD) .No.635 of 2020

Muthaiah ..Petitioner/Accused 1

Vs.

1.The State rep. by
The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

... Respondent/Complainant

2.Maheshkumar ... Respondent/Defacto Complainant

3.Selvakumar

4.Anbarasan

5.Paulraj

6.Manikandan

7.Bhanumathi

... Respondents/Victims/Witnesses

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in C.C. No.35 of 2018 pending on the file of the Judicial Magistrate Court, Vallioor and quash the same.

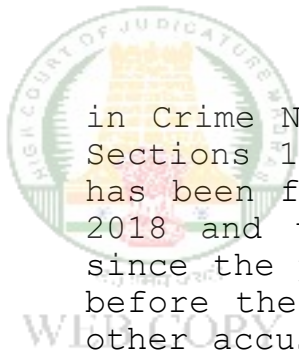
For Petitioner : Mr.M.Laxmi Mahendraa

For R1 : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to quash the proceedings in C.C. No.35 of 2018 pending on the file of the Judicial Magistrate Court, Vallioor, for the offences punishable under Sections 147, 294(b), 323, 326 and 506(i) of IPC, in Crime No.237 of 2012.

2.The learned counsel appearing for the petitioner would submit that the petitioner is A1 in C.C.No.35 of 2018 on the file of the Judicial Magistrate Court, Vallioor. He would further submit that occurrence had happened by a group clash between two groups in Ambedkar Nagar at Kavalkinaru Post, Tirunelveli District. Thereafter, on the complaint given by the respondents 2 to 7, a case



in Crime No.237 of 2012 has been registered for the offences under Sections 147, 294(b), 323, 326 and 506(i) of IPC and final report has been filed and the same has been taken on file in C.C.No.35 of 2018 and trial has been commenced. He would further submit that since the petitioner got employment abroad, he was unable to appear before the court below for trial and thereby, the case against the other accused was split up and after conclusion of trial, the trial Court has acquitted the other accused in C.C.No.35 of 2018. He would further submit that due to intervention of the elders in the village, the petitioner and the respondents 2 to 7 have compromised the matter. He would further submit that in the occurrence, the fourth respondent had lost his teeth and that the petitioner has also paid a sum of Rs.30,000/- towards fixing of dentures to the respondent No.4.

3.The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. The case against the split up accused has ended in acquittal.

4.A Joint Memo of Compromise has been filed before this Court, which have been signed by the petitioner and the respondents 2 to 7 and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.T. Johnson, Special Sub- Inspector Police. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5.Under such circumstances, no useful purpose will be served in keeping the proceedings in C.C.No.35 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 C.C.No.35 of 2018.

6.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.35 of 2018, on the file of the learned Judicial Magistrate Court, Vallioor, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

Sd/-

Assistant Registrar(CS-II)

/TRUE COPY/

/ /2020

Sub Assistant Registrar



To

1.The Judicial Magistrate,
Vallioor.

2.The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

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

+1 CC to M/s.M.LAXMI MAHENDRA, Advocate (SR-2470[F] dated
22/01/2020)

Crl.O.P. (MD) .No.635 of 2020
22.01.2020

vsg

JM/SAR 3/24.01.2020/3P/5C