



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2020

CORAM:

THE HONOURABLE **MR. JUSTICE A.D. JAGADISH CHANDIRA**

Crl.O.P.(MD)No.3602 of 2020

WEB COPY

- 1.Abdul Kadar
- 2.Mohammed Sadam Hussain
- 3.Mohammed Kadar Hussain
- 4.Samsudeeen
- 5.M.Raja
- 6.Babulal

... Petitioners / A1 to A6

Vs.

- 1.State rep.by
Sub-Inspector of Police,
Central Police Station,
Thoothukudi.
(Cr.No.250 of 2015)

.. Respondent / Complainant

- 2.M.Mohamed Habibur Rahman ...2nd Respondent / Defacto Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 Cr.P.C., to quash the charge sheet in S.T.C.No.3 of 2019 on the file of the Judicial Magistrate Court No.II, Thoothukudi on the basis of Compromise Memo dated 01.08.2019.

For Petitioners	: Mr.D.Srinivasaragavan
For R1	: Mrs.S.Bharathi, Government Advocate(Crl.side)
For R2	: Mr.R.Devaraman

O R D E R

The Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.3 of 2019, on the file of the learned Judicial Magistrate Court No.II, Thoothukudi, for the offences punishable under Sections 147, 294(b), 323 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.K.Saravanan, 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 proceedings in S.T.C.No.3 of 2019 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.T.C.No.3 of 2019.

5. It is represented by the learned counsel for the petitioners that the petitioners paid a sum of Rs.5,000/- (Rupees Five Thousand only) as costs to the Credit of the District Siddha Med Officer CCRI, Periyakulam and filed the original cash receipt along with this memo on 27.02.2020. The said submission is placed on record.

6. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in S.T.C.No.3 of 2019, on the file of the learned Judicial Magistrate Court No.II, Thoothukudi, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

Sd/-

Assistant Registrar (Crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Encl: Xerox copy of Joint Compromise Memo

To

1. The Judicial Magistrate Court No.II, Thoothukudi

2. The Sub-Inspector of Police,
Central Police Station,
Thoothukudi.

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

+1 CC to M/s.D.SRINIVASARAGAVAN, Advocate (SR-8967[F]

Crl.O.P. (MD) No.3602 of 2020
27.02.2020

sma/08/05/2020/2p/5c