



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.3604 of 2020

M.Mohammed Habibur Rahman ..Petitioner /Sole Accused

Vs.

1.State rep.by

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

(Cr.No.249 of 2015)

.. Respondent / Complainant

2.Mohamed Sadam Hussain

...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.226 of 2018 on the file of the Judicial Magistrate Court No.II, Thoothukudi on the basis of Compromise Memo dated 05.02.2020.

For Petitioner : Mr.R.Devaraman

For R1 : Mrs.S.Bharathi,
Government Advocate(Crl.side)

For R2 : Mr.D.Srinivasa Ragavan

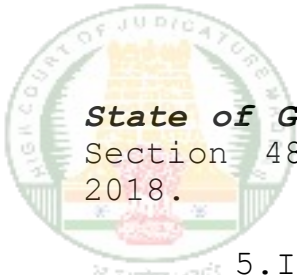
O R D E R

The Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.226 of 2018, on the file of the learned Judicial Magistrate Court No.II, Thoothukudi, for the offences punishable under Sections 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 petitioner and the second respondent 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.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.226 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 Gujrath), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the proceedings in S.T.C.No.226 of 2018.

5.It is represented by the learned counsel for the petitioner that the petitioner 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.226 of 2018, 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

gns

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.R.DEVARAMAN, Advocate (SR-8968[F] dated 27/02/2020)

Crl.O.P. (MD) No.3604 of 2020
27.02.2020

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