



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.02.2020**

CORAM:

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

Crl.O.P.[MD].No.3492 of 2020

1.Manimuthu
2.Balamurali
3.Saravanan

: Petitioners

Vs.

1.State Rep. by its
The Inspector of Police,
Kulathur Police Station,
Thoothukudi District.
(Crime No.163 of 2016)

2.Ahamed Sheik Mydeen

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in S.C.No.257 of 2019, pending before the District Munsif-cum-Judicial Magistrate, Vilathikulam, Thoothukudi District and quash the same as illegal and devoid of merits.

For Petitioners : Mr.V.Nirmalkumar

For R-1 : Mrs.S.Bharathi

Government Advocate (Crl. side)

For R-2 : Mr.A.Baskaran

ORDER

The Criminal Original Petition has been filed to quash the proceedings in S.C.No.257 of 2019, on the file of the District Munsif-cum-Judicial Magistrate, Vilathikulam, Thoothukudi District, for the offences punishable under Sections 294(b) and 341 of IPC and Section 4 of TN Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.163 of 2016.

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.A.Arumuganainar, 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 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.C.No.257 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 Madras High Court Madurai Bench Advocates Clerk's Welfare Association, Madurai Bench High Court Building, Chamber No.33, Ulaganeri, Madurai and filed the original cash receipt along with this memo on 26.02.2020. The said submission is placed on record.

6.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.257 of 2019, on the file of the District Munsif-cum-Judicial Magistrate, Vilathikulam, Thootukudi District, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Sji

ENCL: Xerox copy of Compromise Memo

To

1.The District Munsif-cum-Judicial Magistrate,
Vilathikulam, Thootukudi District

2.The Inspector of Police,
Kulathur Police Station,
Thoothukudi District.

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

+1 CC to M/s.V.NIRMAL KUMAR, Advocate (SR-9162[F]

Crl.O.P.[MD].No.3492 of 2020

SMA/10/03/2020/2P/5C