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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **28.07.2020**
CORAM:
THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**
Crl.O.P.[MD]No.7810 of 2020

1.Michael Stanis Prabhu
2.Kali @ Kaleeswaran
3.Madasamy
4.Suthan
5.Jesudasan Kishinger
6.Victor @ Victor Anto
7.Mari @ Marirajakumar
8.Chinnathambi @ Chinnathambi Pandian ... Petitioners/
Accused Nos.1 to 8

Vs.

1.The State Rep. by
The Inspector of Police,
South Police Station,
Thoothukudi,
Thoothukudi District. ... 1st Respondent/Complainant
(Crime No.1193 of 2016)

2.Velgnesh ...2nd Respondent/
Defacto complainant

3.L.Raghuraman ...3rd Respondnet/Victim

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the case in P.R.C.No.7 of 2017 on the file of the learned Judicial Magistrate No.I, Thoothukudi, Thoothukudi District in connection with Crime No.1193 of 2016 on the file of the Inspector of Police, South Police Station, Thoothukudi, Thoothukudi District and quash the same on the ground of compromise forthwith.

For Petitioners : Mr.S.Prabhakaran
Senior Counsel
for Mr.J.Sankara Pandian
For R-1 : Mr.A.P.G. Ohm Chairma Prabhu
Government Advocate
For R-2 and R-3 : Mr.N.Pragalathan

O R D E R

This criminal original petition has been filed to quash the charge sheet in P.R.C.No.7 of 2017 on the file of the learned

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Judicial Magistrate No.I, Thoothukudi, Thoothukudi District in connection with Crime No.1193 of 2016 on the file of the Inspector of Police, South Police Station, Thoothukudi, Thoothukudi District.

2.In earlier, based on the complaint given by the respondents 2 and 3, the first respondent police registered a case in Crime No. 1193 of 2016 punishable under Sections 147, 148, 294(b), 323, 307, 506(ii) and 342 of I.P.C. After completing the investigation, the first respondent herein filed a charge sheet before the learned Judicial Magistrate No.I, Thoothukudi, Thoothukudi District. On receipt of the charge sheet filed by the first respondent, the learned Judicial Magistrate No.I, Thoothukudi, had assigned with the case number in P.R.C.No.7 of 2017. 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 has been signed by the petitioners, second respondent and the victim, who sustained injury in the alleged occurrence and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court through video conferencing and they were identified by Mr.S.Krishna Kumar, Inspector 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 P.R.C.No.7 of 2017 pending, even though, the offences involved are not compoundable in nature, considering the fact that the alleged occurrence had happened between the bar members of Thoothukudi during the time of Bar election. 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 P.R.C.No.7 of 2017 pending on the file of the learned Judicial Magistrate No.I, Thoothukudi, Thoothukudi District.

5.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in P.R.C.No.7 of 2017 on the file of the learned Judicial Magistrate No.I, Thoothukudi, Thoothukudi District, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

Encl: Xerox copy of Joint Compromise Memo.

To

1.The Judicial Magistrate No.I, Thoothukudi, Thoothukudi District

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

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

+3 CC to Mr.J. SANKARA PANDIAN, Advocate (SR-13379[F] dated 30/07/2020)

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VB (05.08.2020) 3P 7C

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