



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.11.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

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**Crl.O.P. (MD) Nos.19212 and 22442 of 2018
and Crl.M.P. (MD) .Nos.8644, 8645, 10523 & 10524 of 2018**

Crl.O.P(MD).No.19212 of 2018

1.Christina Mary
2.Jaison Rathnaraj ... Petitioners/Accused 3 & 4

Vs.

1.The State Rep. by
The Deputy Superintendent of Police,
OCU, CBCID,
Madurai City,
Madurai in Cr.No.4 of 2017

2.Barakkath Nisha ... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the P.R.C.No.39 of 2018, pending on the file of the learned Judicial Magistrate IV, Madurai and quash the same.

For Petitioner : Mr.K.Samidurai
For Respondent : Mr.E.Antony Sahaya Prabahar for R1
Additional Public Prosecutor
Mr.Pamelin Joseph for R2

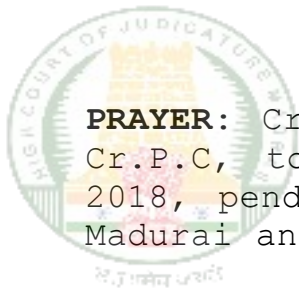
Crl.O.P(MD).No.22442 of 2018

Infant Arul Theresa ... Petitioner

Vs.

1.The State Rep. by
The Deputy Superintendent of Police,
OCU, CBCID,
Madurai City,
Madurai in Cr.No.4 of 2017

2.Barakkath Nisha ... Respondents



PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the P.R.C.No.39 of 2018, pending on the file of the learned Judicial Magistrate IV, Madurai and quash the same.

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For Petitioner : Mr.K.Samidurai
For Respondent : Mr.E.Antony Sahaya Prabahar for R1
Additional Public Prosecutor
Mr.Pamelin Joseph for R2

COMMON ORDER

These petitions have been filed seeking to quash the proceedings in P.R.C.No.39/2018 on the file of the learned Judicial Magistrate No.IV, Madurai and quash the same as against these petitioners.

2. The contention of the petitioners is that based on the complaint lodged by the second respondent, the first respondent registered First Information Report in Crime No.4 of 2017 for the offences punishable under Sections 147, 465, 465 r/w 471, 370 r/w 120 (b) and 370 r/w 149 of Indian Penal Code. After filing the charge sheet, the case was taken on file in P.R.C.No.39/2018 by the learned Judicial Magistrate No.IV, Madurai.

3. The further contention of the petitioners is that they want to compromise the issue between them and the second respondent amicably. Joint memos of compromise are filed, which have been duly signed by the petitioners and the second respondent and also by their respective Counsels.

4. The petitioners and the second respondent appeared through video conference along with their respective counsels and also produced their Aadhar cards before this Court. They were also identified by the learned Additional Public Prosecutor and Sub Inspector of Police, District CBCID, Madurai. Both the parties to compromise were enquired by me and they accepted the terms of compromise. Hence the Compromise Memos are recorded.

5. Considering the totality of the circumstances, the nature of the allegations levelled against the petitioners and also in view of the joint compromise memos, dated 17.09.2021, this Court is of the opinion that no useful purpose would be served by keeping the matter pending.

6. In the result, the Criminal Original Petition stands allowed and the entire proceedings in P.R.C.No.39 of 2018, on the file of



the learned Judicial Magistrate No.IV, Madurai, is hereby quashed in respect of the petitioners herein and the terms of joint compromise memos shall form part of this order. Consequently, the connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

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.

To

(ENCL:JOINT COMPROMISE MEMO)

1.The Judicial Magistrate No.IV,
Madurai.

2.The Deputy Superintendent of Police,
OCU, CBCID,
Madurai City,
Madurai

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

+1 CC to M/s.M. SAMIDURAI, Advocate (SR-35571[F] dated 23/11/2021)

Crl.O.P. (MD) Nos.19212 and 22442 of 2018
22.11.2021

AM(CO)

SB(28.12.2021) 3P 5C