



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.3955 of 2022

1.Bharathidasan

2.Janaki

... Petitioners/Accused Nos.1 & 2

Vs.

1.The State represented by,
The Sub-Inspector of Police,
Kadayam Police Station,
Tenkasi District.

(Crime No.169 of 2014)

... 1st Respondent/Complainant

2.B.Esakkiammal

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records pertaining to the charge sheet in C.C.No.361 of 2020 for the offences under Sections 294(b), 323, 355 and 506(ii) of I.P.C and Section 4 of TNPHW Act, 2002 pending before the learned Judicial Magistrate, Ambasamudram, Tenkasi District and quash the same.

For Petitioners

: Mr.V.Maya Kannan

For R - 1

: Mr.K.Sanjai Gandhi

Government Advocate (Crl. Side)

For R - 2

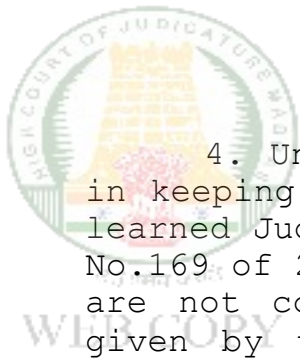
: Mr.J.Pandi Dorai

ORDER

The Criminal Original Petition has been filed to quash the proceedings as against the petitioners in C.C.No.361 of 2020 for the offences under Sections 294(b), 323, 355 and 506(ii) of I.P.C and Section 4 of TNPHW Act, 2002 pending on the file of the learned Judicial Magistrate, Ambasamudram, Tenkasi District.

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 has been signed by the petitioners and the second respondent and also by their respective counsel.



4. Under such circumstances, no useful purpose will be served in keeping the proceedings in C.C.No.361 of 2020 on the file of the learned Judicial Magistrate, Ambasamudram, Tenkasi District in Crime No.169 of 2014, dated 15.05.2014, 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 C.C.No.361 of 2020.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.361 of 2020 on the file of the learned Judicial Magistrate, Ambasamudram, Tenkasi District in Crime No.169 of 2014, dated 15.05.2014, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. The petitioners shall pay a sum of **Rs.5,000/-** (Rupees Five Thousand only) as costs, to the District Siddha Medical Officer, CCRI, Periyakulam in State Bank of India, Periyakulam Branch bearing Account No.10767823177, IFSC No.SBIN000898, MICR Code No.625002601, on or before 25.03.2022 and the receipt of payment shall be produced before the concerned Court, failing which the order shall stand dismissed automatically without any further reference to this Court and the receipt of payment shall be produced before the concerned Court, failing which the order shall stand dismissed automatically without any further reference to this Court.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ENCL.: XEROX COPY OF JOINT COMPROMISE MEMO.

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

1.The Judicial Magistrate,
Ambasamudram,
Tenkasi District.

2.The Sub-Inspector of Police,
Kadayam Police Station,
Tenkasi District.

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

Copy to
The District Siddha Medical Officer,
CCRI, Periyakulam.

+2 CC to M/s.V.MAYAKANNAN, Advocate (SR-12845[F] dated 18/03/2022)

Order made in
CrI.O.P(MD)No.3955 of 2022
17.03.2022

srr(CO)
TR(18.03.2022) 3P 7C