



BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT

DATED: 15.02.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.2562 of 2022

S.Vinoth

... Petitioner/Accused

Vs.

1.The State of Tamil Nadu,
Represented by,
The Sub Inspector of Police,
Kottar Police Station,
Kanyakumari District.
(Crime No.121 of 2019)
(C.C.No.271 of 2021) ... 1st Respondent/Complainant

2.C.Mani ... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to C.C.No.271 of 2021 on the file of the learned Judicial Magistrate No.II, at Nagercoil, Kanyakumari District and quash the same.

For Petitioner : Mr.V.Balaji Rajaram
For R - 1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

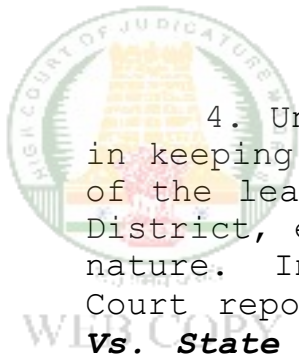
For R - 2 : Mr.B.Arul

ORDER

The Criminal Original Petition has been filed to quash the proceedings as against the petitioner in C.C.No.271 of 2021 pending on the file of the learned Judicial Magistrate No.II, at Nagercoil, Kanyakumari District, in connection with the case in Crime No.121 of 2019 on the file of the first respondent for the alleged offences under Sections 294(b), 323 and 506(ii) of I.P.C.

2. The case is under investigation. 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 petitioner 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.271 of 2021 pending on the file of the learned Judicial Magistrate No.II, at Nagercoil, Kanyakumari District, 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 C.C.No.271 of 2021.

5. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.271 of 2021 pending on the file of the learned Judicial Magistrate No.II, at Nagercoil, Kanyakumari District, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. The petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) as costs, to the High Court Legal Services Authority, Madurai Bench of Madras High Court, Madurai, on or before 16.02.2022.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

16/02/2022

Sub Assistant Registrar(CS)

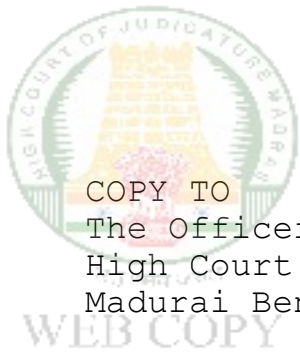
ENCL.: XEROX COPY OF JOINT COMPROMISE MEMO.

ps

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 No.II,
Nagercoil, Kanyakumari District.
- 2.The Sub Inspector of Police,
Kottar Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



COPY TO
The Officer-in-Charge,
High Court Legal Services Committee,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.V.BALAJI RAJARAM, Advocate (SR-6395[F] dated
16/02/2022)

Order made in
Cr1.O.P(MD)No.2562 of 2022
15.02.2022

DKS (CO)
TR(16.02.2022) 3P 6C