



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2022

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4213 of 2021

Nallusamy ... Petitioner/ Sole Accused
Vs

1. The Inspector of Police,
Abiramam Police Station, Abiramam,
Ramanathapuram District
in Crime No.98/2014. ...1st Respondent/ Complainant

2. Irulappan. ...2nd Respondent/ Defacto Complainant

PRAYER :- This Criminal Original Petition filed under Section 482 Cr.P.C.to call call for the records in C.C.No.33/2016 in Crime No.98 of 2014 on the file of the Judicial Magistrate, Kamuthi and quash the same.

For Petitioner : Mr.G.Kasinathadurai,
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to quash the charge sheet in C.C.No.33 of 2016, on the file of the learned Judicial Magistrate, Kamuthi, for an alleged offences under Sections 294(b), 323, 506(i) IPC.

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 petitioner and the second respondent and also by their respective counsel.

4.Under such circumstances, no useful purpose will be served in keeping the First Information Report pending before the respondent police. 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 Gujrat)**, this Court in exercise of its jurisdiction



under Section 482 Cr.P.C. quashes the Charge Sheet in C.C.No.33 of 2016 pending on the file of the learned Judicial Magistrate, Kamuthi.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.33 of 2016 pending on the file of the learned Judicial Magistrate, Kamuthi, is quashed insofar as the petitioner alone and the terms of joint compromise memo 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 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 22.03.2022 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.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar

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 COMPROMISE MEMO

TO

- 1.The Judicial Magistrate, Kamuthi.
2. The Inspector of Police,
Abiramam Police Station, Abiramam,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:

1. The District Siddha Medical Officer,
CCRI, Periyakulam, Theni District.
2. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.KASINATHA DURAI, Advocate (SR-12284[F] dated 15/03/2022)

ORDER IN
CRL OP(MD) No.4213 of 2021
Date : 15/03/2022

PNM

<https://hmcjcaserecordsgov2015ccrvt2417c>