



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD).No.2763 of 2022

1.V.Emley Barady Johenson @ Jonsh
2.S.Iruthaya Pramildon @ Pramildon
3.Mesheck ...Petitioners/ Accused Nos.1 to 3

Vs.

1.TheState rep. by
The Inspector of Police,
Koodankulam Police Station
Tirunelveli District.
(Crime No.46 of 2019) ...Respondent/ Complainant

2.S.Payasraj ...Respondent/ Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to quash the charge sheet in C.C.No.1300 of 2020, pending on the file of the learned Judicial Magistrate Court, Valiyoor, Tirunelveli District, insofar as the petitioners are concerned.

For Petitioners : Mr.G.Thalaimutharasu

For R-1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

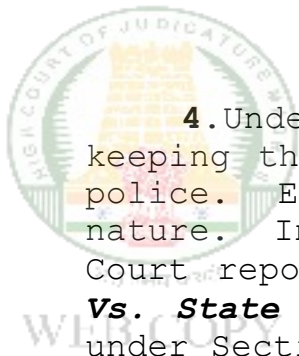
For R2 : Mr.S.P.Naveen Kumar

ORDER

The Criminal Original Petition has been filed to quash the charge sheet in C.C.No.1300 of 2020, on the file of the learned Judicial Magistrate Court, Valiyoor, Tirunelveli District, for an alleged offences under Sections 294(b), 323, and 506(1) of 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 petitioners 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 Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the Charge Sheet in C.C.No.1300 of 2020, pending on the file of the learned Judicial Magistrate Court, Valiyoor, Tirunelveli District.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.1300 of 2020, on the file of the learned Judicial Magistrate Court, Valiyoor, Tirunelveli District, is quashed insofar as the petitioners alone and the terms of joint compromise memo shall form part and parcel of this order. The petitioner shall pay a sum of **Rs.5000/-**(Rupees Five Thousand) as costs, to the High Court Legal Services Authority, Madurai Bench of Madras High Court, Madurai, on or before **11.02.2022**.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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 Inspector of Police,
Koodankulam Police Station
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:

The Officer Incharge,
High Court Legal Services Committee,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.G.THALAIMUTHARASU, Advocate (SR-5148[F] dated 09/02/2022)

Crl.O.P. (MD) .No.2763 of 2022
09.02.2022