



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.3436 of 2022

and

Crl.M.P(MD)Nos.2549 & 2550 of 2022

WEB COPY

Dhanapal

... Petitioner/Sole Accused

Vs.

1.The State through,
The Inspector of Police,
Colachel Police Station,
Kanyakumari District.
In Crime No.53 of 2019.

... 1st Respondent/Complainant

2.Christi Bai

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the charge sheet in P.R.C.No.69 of 2020 on the file of the learned Judicial Magistrate Eraniel, Kanyakumari District in Crime No.53 of 2019, dated 21.03.2019 and quash the same.

For Petitioner : Mr.K.Suyambulinga Bharathi

For R - 1 : Mr.R.M.Anbunithi
Government Advocate (Crl. Side)

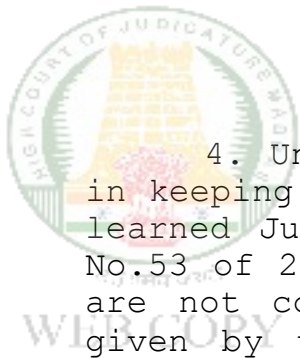
For R - 2 : Mr.R.Anandharaj

ORDER

The Criminal Original Petition has been filed to quash the proceedings as against the petitioner in P.R.C.No.69 of 2020 on the file of the learned Judicial Magistrate Eraniel, Kanyakumari District in Crime No.53 of 2019, dated 21.03.2019.

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 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 P.R.C.No.69 of 2020 on the file of the learned Judicial Magistrate Eraniel, Kanyakumari District in Crime No.53 of 2019, dated 21.03.2019, 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 P.R.C.No.69 of 2020.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in P.R.C.No.69 of 2020 on the file of the learned Judicial Magistrate Eraniel, Kanyakumari District in Crime No.53 of 2019, dated 21.03.2019, 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 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 02.03.2022 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. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (T AND P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS III)

(*)ENCL XEROX COPY OF JOINT COMPROMISE MEMO

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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

1.The Judicial Magistrate, Eraniel,
Kanyakumari District.



2.The Inspector of Police,
Colachel Police Station,
Kanyakumari District.

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

4.The District Siddha Medical Officer,
CCRI, Periyakulam, Theni District.

Order made in
CrI.O.P(MD)No.3436 of 2022
22.02.2022

KS (CO)
TR(23.02.2022) 3P 5C