



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2022

CORAM:

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

CrI.O.P. (MD)No.4464 of 2022

WEB COPY

1.Harish Kumar

2.Ponnappan

...Petitioners/Accused Nos.1 & 3

Vs.

State rep. by

1. The Inspector of Police,
Boothapandy Police Station,
Kanyakumari District.

(Crime No.328/2016) ... 1st Respondent / Complainant

2. Manikandan ... 2nd Respondents / Defacto complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C.to call for the records relating to the charge sheet in S.C.No. 208/2018 on the file of the Principal District and Sessions Court, Nagerkovil, Kanyakumari and quash the same as against the petitioner/accused no. 1 and 3.

For Petitioner: Mr.S.Kasirajan

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R2 : Mr.P.Praveen Kumar

ORDER

The Criminal Original Petition has been filed to quash the charge sheet in S.C.No.208 of 2018, on the file of the learned Principal District and Sessions Court, Nagerkovil, Kanyakumari, for an alleged offences under Sections 294(b), 323, 324, 506(2), 307 IPC r/w 34 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 S.C.No.208 of 2018 pending on the file of the learned Principal District and Sessions Court, Nagerkovil, Kanyakumari.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.208 of 2018 pending on the file of the learned Principal District and Sessions Court, Nagerkovil, Kanyakumari, is quashed insofar as the petitioners alone and the terms of joint compromise memo shall form part and parcel of this order. The petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) each 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(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 Principal District and Sessions Judge,
Nagercoil, Kanyakumari District.
2. The Inspector of Police,
Boothapandy Police Station,
Kanyakumari District.



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

Copy to

1.The District Siddha Medical Officer,
CCRI, Periyakulam.

2. The Section Officer,Criminal Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.KASIRAJAN, Advocate (SR-12240[F] dated 15/03/2022)

ORDER IN
Crl.O.P. (MD)No.4464 of 2022
14.03.2022

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