



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) No.4800 of 2022

WEB COPY

1.Jawahar @ Muthu Jawahar

2.Prathab @ Balaprathap

...Petitioners/Accused No 1 & 2

Vs.

1. The State Rep. by

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

(Crime No. 18 of 2018)

... 1st Respondent/Complainant

2. Saravanan

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records in connection with C.C.No. 369 of 2021 on the file of the Learned Judicial Magistrate No.1, Nagercoil, Kanyakumari District in connection with Crime No. 18 of 2018 on the file of the Inspector of Police, Kanyakumari Police Station, Kanyakumari, Kanyakumari District and subsequently quash the same.

For Petitioners : Mr.S.Palani Velayutham

For R1 : Mr.R.M.Anbunithi

Additional Public Prosecutor

For R2 : Mr.Sahul Hameed

ORDER

This petition has been filed to quash the C.C.No. 369 of 2021 on the file of the Learned Judicial Magistrate No.1, Nagercoil, Kanyakumari District in connection with Crime No. 18 of 2018 on the file of the Inspector of Police, Kanyakumari Police Station, Kanyakumari, for an alleged offences under Sections 341, 294(b), 324 and 506(ii) 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. 369 of 2021 on the file of the Learned Judicial Magistrate No.1, Nagercoil, Kanyakumari District.

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5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No. 369 of 2021 on the file of the Learned Judicial Magistrate No.1, Nagercoil, Kanyakumari District, is quashed insofar as the petitioners alone and the terms of joint compromise memo shall form part and parcel of this order. Further, the petitioners shall pay a sum of Rs.5,000/- 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 **21.03.2022** 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 (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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ENCL:Xerox Copy of Joint Compromise Memo

To

- 1.The Judicial Magistrate No.1,
Nagercoil, Kanyakumari District
2. The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:

THE DISTRICT SIDDHA MEDICAL OFFICER,
CCRI, PERIYAKULAM.

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-11934[F] dated 14/03/2022)

Crl.O.P.(MD) No.4800 of 2022
14.03.2022

SJ(CO)

GC(15.03.2022) 2P 6C

<https://hcservices.ecourts.gov.in/hcservices/>