



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2022

CORAM:

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

CRL OP(MD) . No.5364 of 2022

WEB COPY

1. Gopi,
2. Sasi Kumar,
3. Ajikumar @ Ajithkumar,
4. Pratheesh,
5. Aneesh Kumar,
6. Rajendran, ... Petitioners/Accused No.1,2,4,5,9 & 11

Vs

- 1.The Inspector of Police,
Pudukadai Police Station,
Kanyakumari District.
(Crime No. 222 of 2014). ... 1st Respondent/Complainant
2. Mariammal ... 2nd Respondent/Defacto Complainant

PRAYER:-This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records the impugned proceedings charge sheet in PRC No. 23 of 2016 pending on the file of the Judicial Magistrate court, No.II, Kuzhithurai and quash the same as against the petitioners herein and to pass orders

For Petitioners : M/s. Sreenivasan.M.R.,
Advocate.
For Respondent : Mr.R.M.Anbunithi,
R1 Additional Public Prosecutor
R2 : Mr.A. Arul Jenifer

ORDER

The Criminal Original Petition has been filed to quash the charge sheet in P.R.C.No.23 of 2016, on the file of the Judicial Magistrate court, No.II, Kuzhithurai, for an alleged offences under Sections 147, 148, 294(b), 323, 324, 506(ii) IPC and Section 3(1) of TNPPDL Act.

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 Gujarath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the Charge Sheet in P.R.C.No.23 of 2016 pending on the file of the Judicial Magistrate court, No.II, Kuzhithurai.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in P.R.C.No.23 of 2016 pending on the file of the Judicial Magistrate court, No.II, Kuzhithurai, 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 credit of **Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9** (Account No.11720 10000 00070, IFSC Code: IOBA0001172), on or before 01.04.2022 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 (P&A)

// True Copy //

29/03/2022

Sub Assistant Registrar(CS-II)

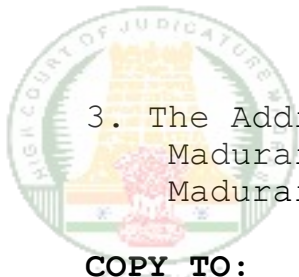
PNM

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 court, No.II,
Kuzhithurai.

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



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

COPY TO:

THE OFFICER INCHARGE,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT,
CHENNAI - 9.

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-14804[F]
dated 28/03/2022)

ORDER
IN

CRL OP(MD) No.5364 of 2022

Date : 25/03/2022

KMK(CO)
GC(29.03.2022) 3P 6C