



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD) No.5023 of 2022

WEB COPY

1. Thomas Zacharia
2. Mathew Zacharias
3. Jasmin Thomas Zacharia

... Petitioners/
Accused Nos.1 to 3

Vs.

1. The Inspector of Police
Kottar Police Station
Kanyakumari District

2. Late. Antony
3. Appukuttan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the impugned final report in CC No.442 of 2011 on the file of the Judicial Magistrate No.II, Nagercoil in Crime No. 519 of 2009 dated 27.05.2009 on the file of the first respondent and quash the same.

For Petitioners	:	Mr.T.Lajapathi Roy, Advocate
For Respondents	:	Mr.B.Thanga Aravindh
No.1	:	Government Advocate(Crl.Side)
No.2 and 3	:	Mr. Pughaz Gandhi, Advocate for Mr.G.Karthik, Advocate

ORDER

The Criminal Original Petition has been filed to quash the proceedings in CC No.442 of 2011 on the file of the Judicial Magistrate No.II, Nagercoil.

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 petitioners and the third respondent and also by their respective counsel.

4. Under such circumstances, no useful purpose will be served in keeping the CC No.442 of 2011 on the file of the Judicial Magistrate No.II, Nagercoil, 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 Gujrat), this Court in exercise of



its jurisdiction under Section 482 Cr.P.C. quashes the charge sheet in C.C.No. 442 of 2011.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in CC No.442 of 2011 on the file of the Judicial Magistrate No.II, Nagercoil, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. The petitioners shall pay a sum of Rs.10,000/- (Rupees Ten 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 on or before 22.03.2022 and produce the receipt before the concerned court, failing which the order shall stand dismissed automatically without any further reference to this Court. In view of the above compromise arrived at between the parties the entire proceedings in CC No.442 of 2011 on the file of the learned Judicial Magistrate No.II, Nagercoil has been quashed, the first respondent is directed to withdraw the Look Out Circular issued as against the second accused herein forthwith.

Sd/-

Assistant Registrar (C.S.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Enclosure: Joint Compromise Memo

To

1. The Judicial Magistrate No.II, Nagercoil.
 2. The Inspector of Police
Kottar Police Station, Kanyakumari District
 3. The District Siddha Medical Officer,
CCRI, Periyakulam in State Bank of India,
Periyakulam Branch.
 4. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.
- +5 cc to Mr.T.LAJAPATHI ROY, Advocate, SR.No.12428

Cr1.O.P. (MD) No.5023 of 2022

15.03.2022