



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.5101 of 2022

1.M.Kamala Kannan

... Petitioner/Sole Accused

Vs.

1.The State represented by,
The Inspector of Police,
C-2 Subramaniyapuram Police Station,
Madurai City,
Madurai District.
(Crime No.410 of 2021).

... 1st Respondent/Complainant

2.P.Vadivel Murugan

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records pertaining to C.C.No.879 of 2021 on the file of the learned Judicial Magistrate No.5, Madurai and quash the same as illegal.

For Petitioner : Mr.S.Ayyanar Prem Kumar
For R - 1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R - 2 : Mr.G.Raja Guru

ORDER

The Criminal Original Petition has been filed to quash the proceedings as against the petitioner in C.C.No.879 of 2021 on the file of the learned Judicial Magistrate No.5, Madurai.

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 C.C.No.879 of 2021 on the file of the learned Judicial Magistrate No.5, Madurai in Crime No.410 of 2021, dated 27.07.2021, 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 C.C.No.879 of 2021.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.879 of 2021 on the file of the learned Judicial Magistrate No.5, Madurai in Crime No.410 of 2021, dated 27.07.2021, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Ps

Encl: Photocopy of Compromise Memo attached.

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 No.5,
Madurai.

2.The Inspector of Police,
C-2 Subramaniyapuram Police Station,
Madurai City,
Madurai District.

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

+1 CC to M/s.S.SURESH KUMAR,Advocate (SR-13381[F] dated
22/03/2022)

Cr1.O.P (MD)No.5101 of 2022
18.03.2022

MGJ(30.03.2022) 2P 5C