



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P (MD) No.7455 of 2022

Syed Asarudeen @ Askar

... Petitioner/Accused No.1

Vs.

1. State rep. through
The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City.
(Cr.No.239 of 2014)

... 1st Respondent/Complainant

2.Mallukku Mohammed

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records of impugned charge sheet in S.C.No.187 of 2021 on the file of the Principal Sub Judge, Tirunelveli and quash the same as illegal as against the petitioner.

For Petitioner	:	Mr.A.Abdul Kabur
For Respondents	:	Mr.R.M.Anbunithi,
		Additional Public Prosecutor for R1
	:	Mr.A.Mohamed Riyaz for R2

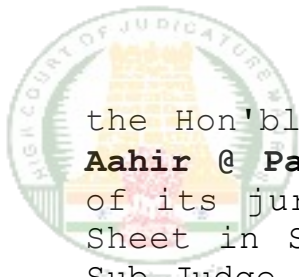
ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.C.No.187 of 2021 on the file of the learned Principal Sub Judge, Tirunelveli as against the petitioner.

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 petitioner 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.187 of 2021 on the file of the learned Principal Sub Judge, Tirunelveli.

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5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.187 of 2021 on the file of the learned Principal Sub Judge, Tirunelveli, 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) 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 01.05.2022 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. Consequently connected miscellaneous petition is closed.

Note : Compromise memo to be incorporated.

Sd/-

Assistant Registrar (P&A)

// True Copy //

25/04/2022

Sub Assistant Registrar(CS)

vsd

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 Sub Judge,
Tirunelveli.
2. The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



4. The Joint Secretary to Government,
CMPRF (Finance Department),
Secretariat Branch,
Chennai-9.

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