



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD).No.7544 of 2021
and
Crl.M.P(MD)No.2175 of 2022

1.Gnana Arulmony
2.Pradeesh

...Petitioners/
Accused 1 and 3

Vs.

1.State rep. by
The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.

(Crime No.7 of 2008)

...1st Respondent/
Complainant

2.R.S.Maharajan

...2nd Respondent/
Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records relating to C.C.No.49 of 2009, on the file of the learned Judicial Magistrate Court - I, Nagercoil, Kanyakumari District and quash the same insofar as it relates to the petitioner.

For Petitioners : Mr.K.Rajeshwaran

For R-1 : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

ORDER

The Criminal Original Petition has been filed to quash the C.C.No.49 of 2009, on the file of the learned Judicial Magistrate Court No.1, Nagercoil, Kanyakumari District, for an alleged offences under Sections 120(b), 420 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 third 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 Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the Charge Sheet in C.C.No.1920 of 2021 pending on the file of the first respondent police.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.49 of 2009, on the file of the learned Judicial Magistrate Court - I, 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. The petitioner shall pay a sum of Rs.5000/- (Rupees Five Thousand only) as costs, to the High Court Legal Services Authority, Madurai Bench of Madras High Court, Madurai, on or before 15.02.2022. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

14/02/2022

Sub Assistant Registrar (CS IV)

(*) ENCL THE JOINT COMPROMISE MEMO

lr

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. I, Nagercoil, Kanyakumari District.
2. The Inspector of Police, District Crime Branch, Nagercoil, Kanyakumari District.
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

COPY TO:

THE OFFICER IN CHARGE, HIGH COURT LEGAL SERVICE AUTHORITY, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

1CC TO MR, K. RAJESWARAN, ADVOCATE SR:5811

MCJ-14/02/2022-2P/6C
<https://hcservices.ecourts.gov.in/hcservices>

CrI.O.P. (MD).No.7544 of 2021
10.02.2022