



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.8426 of 2022

and

Crl.M.P.(MD) Nos.5686 and 5687 of 2022

1.Aslam

2.Santhuru @ Chandru

... Petitioners/Accused No.1 & 7

Vs.

1.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
(In Cr.No.743 of 2016)

...1st Respondent/ Complainant

2.Jebin @ Jain

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in C.C.No.48 of 2020 on the file of the Judicial Magistrate No.I, Padmanabhapuram and quash the same as illegal as against the petitioners/Accused No.1 and 7 and thus render justice.

For Petitioners	:	Mr.A.Mohamed Hashim
For R1	:	Mr.B.Thanga Aravindh Government Advocate (Crl.side)
For R2	:	Mr.K.N.Guru

ORDER

This Criminal Original Petition has been filed to quash the proceedings as against the petitioners in C.C.No.48 of 2020 on the file of the Judicial Magistrate No.I, Padmanabhapuram and quash the same.

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

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and also by their respective counsel. The parties were present before this Court and they were identified by their respective counsels.

4. Under such circumstances, no useful purpose will be served in keeping the C.C.No.48 of 2020 on the file of the Judicial Magistrate No.I, Padmanabhapuram, 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.48 of 2020 on the file of the Judicial Magistrate No.I, Padmanabhapuram.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.48 of 2020 on the file of the Judicial Magistrate No.I, Padmanabhapuram, 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.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 17.05.2022 and produce the receipt before the concerned court, failing which the order shall stand dismissed automatically without any further reference to this Court. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

10/05/2022

Sub Assistant Registrar(CS)

vsg

Enclosed herewith Copy of the Joint Compromise Memo

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,
Padmanabhapuram.

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



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.

Crl.O.P (MD)No.8426 of 2022
29.04.2022

_RD(10.05.2022) 3P 5C