



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.13056 of 2020

and

Crl.M.P(MD) Nos.5959 and 5961 of 2020

Sivajothi

... Petitioner/Accused No.5

Vs.

1.The State represented by
The Inspector of Police,
Seidunganallur Police Station,
Thoothukkudi District.
(Crime No.109 of 2015)

... 1st Respondent/ Complainant

2.Selvamani

... 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.289 of 2018 pending on the file of the learned Judicial Magistrate, Srivaigundam and quash the same as against the petitioner as illegal.

For Petitioner	:	M/s B.Vinotha
For Respondents	:	Mr.K.Sanjai Gandhi Government Advocate for R.1 Mr.G.Suresh for R.2

ORDER

This Criminal Original Petition has been filed to quash the proceedings C.C.No.289 of 2018 pending on the file of the Learned Judicial Magistrate, Srivaigundam.

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. 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.289 of 2018 pending on the file of the learned Judicial Magistrate, Srivaigundam, 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.289 of 2018 pending on the file of the Learned Judicial Magistrate, Srivaigundam.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.289 of 2018 pending on the file of the learned Judicial Magistrate, Srivaigundam, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. The petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) as cost, 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 28.04.2022 and produce the receipt before the concerned court, failing which the order shall stand dismissed automatically without any further reference to this Court. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

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,
Srivaigundam
- 2.The Inspector of Police,
Seidunganallur Police Station,
Thoothukkudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>



4.The Joint Secretary to Government,
Chief Minister Public Relief Fund,
Secretariat, Chennai-9

+1 CC to M/s.S. MANICKAM, Advocate (SR-18098[F] dated 12/04/2022)

Crl.O.P (MD) No.13056 of 2020

and

Crl.M.P (MD) Nos.5959 and 5961 of 2020

12.04.2022

NSN (CO)

KB (20.04.2022) 3P 6C