



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.14763 of 2017

and

Crl.M.P(MD)Nos.9829 & 9830 of 2017

WEB COPY

Maragatha Mary

... Petitioner/Sole Accused

Vs.

1.State represented by,

The Inspector of Police,
Koppampatti Police Station,
West Circle, Kovilpatti,
Thoothukudi District.

(Crime No.105 of 2015) ... 1st Respondent/Complainant

2.Joseph Pradeep

... 2nd Respondent/Defacto complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the impugned charge sheet dated 22.12.2015 made in C.C.No.287 of 2016 on the file of the learned Judicial Magistrate No.2, Kovilpatti and quash the same.

For Petitioner

: Mr.G.Mariappan

For R - 1

: Mr.B.Thanga Aravindh

Government Advocate (Crl. Side)

For R - 2

: Mr.V.Sasi Kumar

ORDER

The Criminal Original Petition has been filed to quash the proceedings as against the petitioner in C.C.No.287 of 2016 on the file of the learned Judicial Magistrate No.2, Kovilpatti.

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.287 of 2016 on the file of the learned Judicial Magistrate No.2, Kovilpatti, in Crime No.105 of 2015 for the offences under Sections 406, 420, 424, 465 and 468 of I.P.C dated 18.09.2015, 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.287 of 2016.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.287 of 2016 on the file of the learned Judicial Magistrate No.2, Kovilpatti, 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.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 26.04.2022 and produce the receipt before the respondent police, failing which the order shall stand dismissed automatically without any further reference to this Court. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

20/04/2022

Sub Assistant Registrar(CS)

ps

Encl:Photocopy of Joint 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.2,
Kovilpatti

2.The Inspector of Police,
Koppampatti Police Station,
West Circle, Kovilpatti,
Thoothukudi 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.

WEB COPY

+1 CC to M/s.G. MARIAPPAN, Advocate (SR-19700[F] dated 20/04/2022)

**Crl.O.P(MD)No.14763 of 2017
19.04.2022**

MGJ(20.04.2022) 3P 6C