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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.950 of 2024

Kaliyamoorthi

...Petitioner/De facto Complainant

.Vs.

1.State rep.by

The Inspector of Police
Poombuhar Police Station
Mayiladuthurai District.

..1st Respondent/Complainant

(Crime No.161 of 2014)

2.Sathya

..2nd Respondent/Accused No.1

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in connection with the impugned final report in C.C.No.205 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Tharangambadi, Mayiladuthurai District and quash the same insofar as the 2nd respondent concerned.

For Petitioners : Mr.M.Vijayaragavan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
for R1

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.205 of 2019, on the file of the learned District Munsif cum Judicial

Magistrate, Tharangambadi, Mayiladuthurai District.



2. The case is still in the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. Joint compromise memo dated 21.9.2023, has been filed before this Court which has been signed by the petitioner and the 2nd respondent/accused no.1 and also by their respective counsel. An affidavit has also been filed by the second respondent before this Court. The petitioner and second respondent were also present in person before this Court. In the affidavit, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in C.C.No.205 of 2019, on the file of the learned District Munsif cum Judicial Magistrate, Tharangambadi, Mayiladuthurai District.

4. Under such circumstances, no useful purpose will be served in keeping the case pending, 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 Gujraath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., to quash the proceedings in C.C.No.205 of 2019, on the file of the learned District Munsif cum Judicial Magistrate, Tharangambadi, Mayiladuthurai District.



5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.205 of 2019, on the file of the learned District Munsif cum Judicial Magistrate, Tharangambadi, Mayiladuthurai District is hereby quashed in entirety and the terms of Joint Compromise Memo shall form part and parcel of this order. The petitioner shall pay a sum of Rs.2500/- (Rupees two thousand five hundred only) as costs, to the credit of the **President, Tamil Nadu Advocate's Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157)**, within a period of two weeks from the date of receipt of copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry. Consequently, connected miscellaneous petition is closed.

6. Post this case for reporting compliance on **06.02.2024**.

22.01.2024

Speaking Order/Non-Speaking Order
Index: Yes/No
Internet: Yes/No
kp

Note: Issue order copy on **30.01.2024**



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N.ANAND VENKATESH.J.,

kp

To

- 1.The Inspector of Police
Poombuhar Police Station
Mayiladuthurai District.
- 2.District Munsif cum Judicial Magistrate,
Tharangambadi, Mayiladuthurai District.
- 3.The Public Prosecutor,
High Court of Madras,
Madras.

Crl.OP No.950 of 2024

22.01.2024