



Crl.O.P.(MD)No.4050 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**Crl.O.P.(MD)No.4050 of 2023
and
Crl.MP(MD)No.3622 & 3623 of 2023**

- 1.Ponnambalam
- 2.Delphin Flari
- 3.Alexander @ John Mariya Alexander
- 4.Krishnammal
- 5.Abishek @ John Abishek

... Petitioners/Accused Nos.1 to 5

vs.

- 1.The State Rep. by
The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
(Crime No.295 of 2021)

... 1st Respondent/Complainant

2. Justin Payasraj

... 2nd Respondent/Defacto
Complainant

Prayer:- Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.1046 of 2022 on the file of the Judicial Magistrate Court No.II, Kuzhithurai, and quash the same.



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For Petitioners : Mr.R.J.Karthick

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor for R1
Mr.M.R.Sreenivasan for R2

ORDER

The Criminal Original Petition is filed to quash the proceedings in C.C.No.1046 of 2022 on the file of the Judicial Magistrate Court No.II, Kuzhithurai.

2. The offence is under Sections 147, 447, 294(b), 324, 427, 506(1) & Section 4 of TN Prohibition of Harassment of Women Act, 2002, and the same is arising out of the land dispute between the parties.

3. It is seen that the parties have since moved on and have amicably resolved the issues between themselves. Both Sides are present before this court. A Joint Compromise Memo duly signed by both the parties and also by their respective counsel. Both sides counsel would submit that the issue has been amicably resolved. The parties present were also enquired by this court. They replied that they have amicably resolved



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the issues and they also seem to understand the contents of the joint compromise memo filed before the court. Therefore, the Joint Memorandum of Compromise is recorded. The same shall form and part of this order.

4. It is brought to the notice of this Court that earlier, the matter was referred to mediation and substantial progress was made between the parties during the mediation and after the closure of the mediation, the case has since been settled and the same is recorded.

5. Considering the nature of private dispute between the parties, this is a fit case which can be quashed by this Court on compromise.

6. In view thereof, as per the dictum of the Hon'ble Supreme Court of India in ***B.S.Joshi and ors., Vs. State of Haryana and anr., reported in (2003) 4 SCC 675*** and the subsequent judgments, I am inclined to quash the proceedings in C.C.No.1046 of 2022.

7. Accordingly, the proceedings in C.C.No.1046 of 2022 pending on the file of the Judicial Magistrate Court No.II, Kuzhithurai, is quashed



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and this petition is allowed. Consequently, the connected miscellaneous petitions are closed.

29.08.2024

1/2

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
dss

To

- 1.The Judicial Magistrate Court No.II,
Kuzhithurai.
2. The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

dss

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