



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2015

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CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Criminal Original Petition(MD)No.22448 of 2015

- 1.Krishnan
- 2.Murugan
- 3.Deivendran
- 4.Thennarasu
- 5.Palani
- 6.S.Kumar
- 7.K.Anbarasan

... Petitioners/Accused

Vs.

1. The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.
(Crime No.60 of 2011)

2. Thoilath

... Respondents/Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 to call for the records relating to the case in C.C.No.59 of 2015 on the file of the learned Judicial Magistrate No.II, Sivagangai and quash all further proceedings as against the petitioners.

For Petitioner : Mr.D.Shanmugaraja Sethupathi
For R - 1 : Mrs.S.Prabha
Government Advocate (Crl. Side)
For R - 2 : Mr.R.Ramesh Prabhu

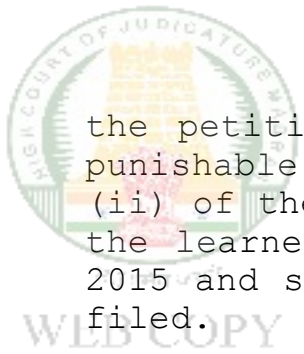
ORDER

The petitioners have filed this petition seeking to call for the records relating to the case in C.C.No.59 of 2015 on the file of the learned Judicial Magistrate No.II, Sivagangai and quash all further proceedings as against the petitioners.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondents.

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

3. Based on the complaint given by the second respondent/defacto complainant, a case has been registered against



the petitioners in Crime No.60 of 2011 for the alleged offences punishable under Sections 147, 148, 294(b), 323, 452, 427 and 506 (ii) of the Indian Penal Code and now it is pending on the file of the learned Judicial Magistrate No.II, Sivagangai in C.C.No.59 of 2015 and seeking to quash the same, the present petition has been filed.

4. When the matter is taken up for hearing, a joint memo of compromise has been filed by both parties and it is also signed by both the parties and counsels, in which, it is stated that the matter has already been settled between the parties and proceedings may be quashed.

5. The petitioners/accused and the second respondent appeared in persons and their identifications were also verified by this Court, in addition to the confirmation of the parties by the Government Advocate (Criminal Side) through the respondent Police.

6. The defacto complainant has also filed an affidavit to that effect and paragraph No.2 of the same reads as follows:-

"2.I respectfully submit that on the basis of the complaint given by me, the case in Crime No.60 of 2011 was registered against the petitioners for the offences under Section 147, 148, 294(b), 323, 452, 427 and 506(ii) of the Indian Penal Code. After investigation, the first respondent has filed charge sheet before the learned Judicial Magistrate No.II, Sivagangai as against the petitioners 1 to 5. The sixth and seventh petitioners have not been arrayed as accused in the charge sheet and the proceedings against them was dropped by the first respondent on the ground that there is no incriminating materials against the sixth and seventh petitioners. However, the petitioners including sixth and seventh petitioners. In fact, the seventh petitioner herein has not been present at the time of occurrence and he has been wrongly implicated in the First Information Report. Therefore, I do not have any objection for quashing the charge sheet against the seventh petitioner."

7. Considering the nature of allegation and also considering the joint memo of compromise and affidavit, I am of the opinion that no useful purpose will be served in keeping the matter pending. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.59 of 2015 on the file of



the learned Judicial Magistrate No.II, Sivagangai is quashed. The joint memo of compromise and affidavit shall form part of the order.

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Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
Sivagangai.
2. The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO M/S.R.GANESH PRABHU, ADVOCATE IN SR NO. 68070
+ 1 CC TO M/S.D.SHANMUGARAJA SETHUPATHI, ADVOCATE IN SR NO. 67974

PS

TE/GSV-AN/ 15/12/2015 : 3P/6C

Encl: Xerox Copy of Joint Compromise Memo.

CrI.O.P(MD)No.22448 of 2015
27.11.2015