



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2016

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.(MD) No.15499 of 2016

- 1.Malaisamy
- 2.Rajasimman
- 3.Dhesingarajan
- 4.Dhavamani
- 5.Kaliammal

.. Petitioners/A1 to A5

-vs-

1. State represented by
The Inspector of Police,
S.S.Kottai Police Station,
Sivagangai District.
(Crime No.14/2013)

.. 1st Respondent/Complainant

2. S.Mohandoss

.. 2nd Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records in S.C.No.97 of 2013 on the file of the Chief Judicial Magistrate, Sivagangai and quash the same.

For Petitioner	:	Mr.S.Madhan Kumar
For R1	:	Mr.K.Anbarasan
		Govt. Advocate (Crl.Side)
For R2	:	Mr.S.MP.Amalan

ORDER

This petition has been filed seeking to quash the case in S.C.No.97 of 2013 on the file of the Chief Judicial Magistrate, Sivagangai.

2. It is seen that a case was registered in Crime No.14 of 2013 for the alleged offences under Sections 147, 148, 448, 427, 323 and 506(i) IPC, by the first respondent police against the petitioners and charge sheet was filed for the alleged offences under Sections 147, 148, 448, 427, 325, 324, 323 and 506(i) IPC read with Section 3 of TNPPDL Act, and taken as PRC.No.21 of 2013 on the file of the learned Judicial Magistrate, Thiruppathur and subsequently, the same was transferred to the file of the learned Chief Judicial Magistrate, Sivagangai and taken as S.C.No.97 of 2013.



3. The second respondent/defacto complainant, who is the relative to the petitioners, filed a complaint against the petitioners alleging that on 29.01.2013, at about 4.00 p.m., when the defacto complainant was in his house, due to previous motive, the petitioners entered into his house and made quarrel with him and attacked the defacto complainant using the wooden logs and assaulted him.

4. When the matter is taken up for hearing, the petitioners/Accused persons and the second respondent/defacto complainant, appeared in person and their identifications were also verified by this Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate (Crl.Side) through the respondent police.

5. Learned counsel appearing for the second respondent would submit that since the accused persons and the defacto complainant are relatives, the matter is now compromised before the elders of their family outside the Court.

6. Further, learned counsel appearing for both parties filed a joint memo of compromise dated 23.08.016, duly stating that since the parties have arrived at an amicable settlement by way of compromise among themselves, the second respondent has no objection to quash the above case in Crime No.14 of 2013 on the file of the first respondent police as well as S.C.No.97 of 2013, pending on the file of the learned Chief Judicial Magistrate, Sivagangai.

7. Hence, in view of joint memo of compromise dated 23.08.2016, this Court is of the opinion that it can safely be said that no useful purpose would be served in keeping the matter pending.

8. Accordingly, this Criminal Original Petition is allowed and the entire proceedings in Crime No.14 of 2013 on the file of the first respondent police and the consequential proceedings in S.C.No.97 of 2013 on the file of the learned Chief Judicial Magistrate, Sivagangai are quashed in respect of the petitioners herein.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar



1. The Chief Judicial Magistrate, Sivagangai.

2. The Inspector of Police,
S.S.Kottai Police Station,
Sivagangai District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.S.MADHAN KUMAR, ADVOCATE IN SR No. 52058

+ 1 CC TO M/S.S.MP.AMALAN, ADVOCATE IN SR No. 52731

PJL

TE/PV : 19/09/2016 : 3P/6C

Encl: Xerox Copy of Joint Compromise Memo.

Cr1.O.P. (MD) No.15499 of 2016
14.09.2016