



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2016

CORAM

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.(MD) No.17888 of 2016

Vinoth

.. Petitioner/sole accused

-vs-

1.State represented by
The Sub Inspector of Police,
Srivaikuntam Police Station,
Tuticorin District.
(Crime No.128/2010)

.. 1st Respondent/Complainant

2.Petchimuthu

.. 2nd Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records relating to the proceedings in C.C.No.248 of 2010 on the file of the learned Judicial Magistrate, Srivaikuntam and quash the same.

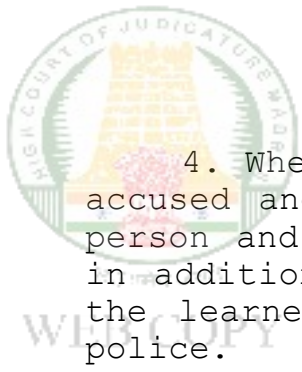
For Petitioner : Mr.S.R.Durairaj
For R1 : Mr.K.Anbarasan
Govt. Advocate (Crl.Side)
For R2 : Mr.S.Jeyapaul

O R D E R

This petition has been filed seeking to quash the case in C.C.No.248 of 2010 on the file of the learned Judicial Magistrate, Srivaikuntam.

2. It is seen that a case was registered in Crime No.128 of 2010 for the alleged offences under Sections 294(b), 324 and 506(ii) IPC, by the first respondent police against the petitioner and charge sheet was filed and taken as C.C.No.248 of 2010 on the file of the learned Judicial Magistrate, Srivaikundam.

3.The second respondent/defacto complainant, who is working as a mason, filed a complaint against the petitioner alleging that on 26.04.2010, when the defacto complainant was constructing the compound wall to one Velayutham, due to the existing dispute between the said Velayutham, the petitioner threatened the defacto complainant made quarrel with him and attacked the defacto complainant using sickle and assaulted him.



4. When the matter is taken up for hearing, the petitioner/sole accused 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 (CrI.Side) through the respondent police.

5. Learned counsel appearing for the second respondent would submit that since the accused person and the defacto complainant are residing in the same area, the matter is now compromised between the parties out of the court.

6. Further, learned counsel appearing for both parties filed a joint memo of compromise dated 29.08.2016, 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 withdraw the above case in Crime No.128 of 2010 on the file of the first respondent police as well as C.C.No.248 of 2010, pending on the file of the learned Judicial Magistrate, Srivaikuntam.

7. Hence, in view of joint memo of compromise dated 29.08.2016, 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. 128 of 2010 on the file of the first respondent police and the consequential proceedings in C.C.No.248 of 2010 on the file of the learned Judicial Magistrate, Srivaikuntam are quashed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1.The Judicial Magistrate, Srivaikuntam.
- 2.The Sub Inspector of Police,
Srivaikuntam Police Station,Tuticorin District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.M.S.JEYAKARTHIK, ADVOCATE IN SR No. 54575

PJL

TE/SK-SKN : 05/10/2016 : 2P/5C

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

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