



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.3973 of 2015

AND

MP(MD)NOS.1 & 2

Somasundaram

: Petitioner

-vs-

1.The State through
The Sub Inspector of Police,
Law and Order
K.K.Nagar Police Station,
Trichy City,

2.P.Kalaiselvan

: Respondents

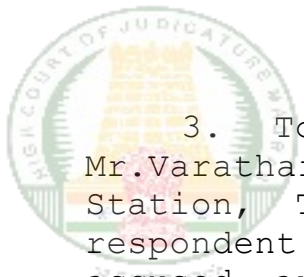
Prayer: Petition is filed under Section 482 of Code of Criminal Procedure to call for the records connected with the case in C.C.No.211/2013 on the file of the learned Judicial Magistrate, No.2, Trichy and quash the same as illegal.

For Petitioners : Mr.R.Alagumani
For Respondents 1 : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)
For Respondent No.2 :Mr.L.M.VijayBoominathan

O R D E R

This petition has been filed seeking to quash the charge sheet laid in C.C.No.211 of 2013 on the file of the learned Judicial Magistrate, NO.II,, Trichy District, pursuant to the amicable settlement effected between the parties.

2. On the complaint lodged by one Kalaiselvan, the respondent police registered a case in Crime No.213 of 2013 and after completion of investigation, had filed a final report in C.C.No.211 of 2013, before the learned Judicial Magistrate, No.II, Trichy District, for offences under Sections 294(b), 324, 325, 353 and 506(ii) of the Indian Penal Code, challenging which, the accused and the *defacto* complainant are before this Court for quashing the final report laid against the petitioners on the ground that they have arrived at a compromise.



3. Today, when the matter is taken up for hearing, Mr.Varatharajan, Special Sub Inspector of Police, K.K.Nagar Police Station, Trichy, appeared in person on behalf of the second respondent. The *defacto* complainant-Sakthivel is present and the accused are also present 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 (Criminal side) through Mr.Varatharajan, Special Sub Inspector of Police, K.K.Nagar Police Station.

4. The petitioner and the 2nd respondent have filed a joint compromise memo dated 07.12.2015, in which, it has been stated as follows:

"3. It is submitted that thereafter the petitioner filed quash petition in Crl.O.P.(MD) No.3973/2015 before this Honourable Court. It is submitted that since the petitioner and de-facto complainant are good friends and also family friend for the past 30 years. Now the de-facto complainant has come forward to file this memo of compromise because he has nothing against the petitioners to proceed with the case and they have reached the compromise to quash the impugned FIR this joint compromise memo is filed.

4.It is submitted hereby the petitioner and the 2nd respondent have settled their all disputes and differences between them. To that effect this joint compromise memo is filed"

5. In view of the joint memo of compromise dated 07.12.2015, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, the entire proceedings in C.C.No.211 of 2013 on the file of the learned Judicial Magistrate, No.II, Trichy District, in respect of the petitioner/accused alone, are hereby quashed.

6. Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. The joint compromise memo dated 07.12.2015 shall form part of this order. Consequently connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

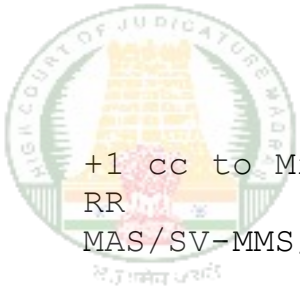
To:

Compromise memo xerox copy is enclosed:

1.The Judicial Magistrate, No.II
Trichy District.

2.The Sub Inspector of Police, Law and Order,
K.K.Nagar Police Station,
Trichy City,

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



+1 cc to Mr.R.ALAGUMANI,ADVOCATE,SR NO.16425

RR

MAS/SV-MMS/SAR3:10.04.2017:2P-5C

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Order made in
Crl.O.P. (MD) No.3973 of 2015
Dated: 21.03.2017