



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.08.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.S.SUNDAR
CrI.O.P.(MD) No.10179 and 10180 of 2017

CrI.O.P.(MD) No.10179 of 2017

Ignatius

... Petitioner

-Vs-

1. State rep. by
The Sub Inspector of Police,
South Police Station,
Tuticorin.
(Crime No. 372 of 2017)

2.Periyanayagam

... Respondents

CrI.O.P.(MD) No.10180 of 2017

1. Periyannayagam
2.Moorthi @ Ramamoorthi

... Petitioners

-Vs-

1. State rep. through
The Sub Inspector of Police,
South Police Station,
Tuticorin.
(Crime No. 371 of 2017)

2.Ignatius

Prayer in both CrI.O.Ps.: Criminal Original petitions are filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the case in Crime Nos.372 and 371 of 2017 respectively pending on the file of the first respondent Police and quash the same.

For Petitioner
in CrI.O.P.No.10179 of 2017

:Mr.M. Mathankumar

For Petitioner
in CrI.O.P.No.10180 of 2017

:Mr.K.A.Raamakrishnan

For R1 in both O.Ps

:Mr.K.Anbarasan,
Government Advocate (CrI.side)

For R2

:Mr.K.A.Raamakrishnan
in CrI.O.P.No.10179 of 2017
Ms.C.A. Ponnuthai in
in CrI.O.P.No.10180 of 2017

**COMMON ORDER**

The Criminal Original petitions are filed to call for the records pertaining to the case in Crime Nos.372 and 371 of 2017 pending on the file of the first respondent Police and quash the same.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal side) appearing for the respondent and the learned counsel appearing for the second respondent in both the petitions.

3. On the basis of the complaint given by the second respondent in Crl.O.P(MD).No.10179 of 2017, a case was registered against the petitioner / sole accused in Crime No.372 of 2017 on the file of the first respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) of IPC.

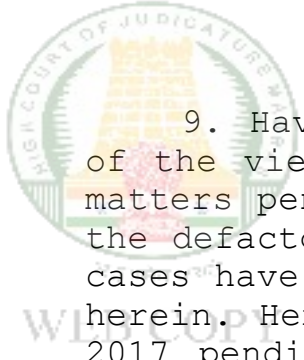
4. On the basis of the complaint given by the second respondent in Crl.O.P(MD).No.10180 of 2017, a case was registered against the petitioners / accused nos. 1 and 2 in Crime No.371 of 2017 on the file of the first respondent police for the offences punishable under Sections 448, 294(b), 323, 324, 506(ii) and 379 of IPC.

5. The accused in Crime No.372 of 2017 is the de facto complainant in Crime No.371 of 2017. Similarly, first accused in Crime No.371 of 2017 is the de facto complainant in Crime No.372 of 2017. Hence, this is case of case and counter case.

6. It appears that the parties in both the Criminal Original Petitions have settled their dispute amicably out of Court and that therefore, the de facto complainant in both the cases have agreed to withdraw the complaint as against the petitioners herein.

7. The parties have filed the joint compromise memo signed by the petitioners as well as the de facto complainant in both cases in the presence of their respective counsels. As per the joint compromise memo, the parties have agreed to quash the respective criminal proceedings.

8. The parties appeared before this Court and expressed in unequivocal terms that they have settled the dispute and signed in the Joint Compromise Memo on their own will and volition. The identity of the parties are verified with reference to the authenticated documents produced by the parties before this Court. The identity of the parties are also confirmed by the learned Government Advocate (Criminal side) through the first respondent police.



9. Having regard to the joint compromise memo, this Court is of the view that no useful purpose will be served by keeping the matters pending. As per the Compromise Memo signed by the parties, the defacto complainant, namely, the second respondent in both the cases have agreed to quash the proceedings against the petitioners herein. Hence the criminal complaint in Crime Nos.371 and 372 of 2017 pending on the file of the first respondent police in both the petitions, are quashed in *toto*. The Joint Compromise Memo signed by the parties shall form part of the order.

10. Accordingly, the Criminal Original petitions are allowed.
Sd/-

Assistant Registrar(Crl Side)

/True copy/

Sub Assistant Registrar

Encl:-Copy of Joint Compromise memo.

To

1.The Sub Inspector of Police,
South Police Station,
Tuticorin.

2.The Additional public prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD) No.10179 and 10180 of 2017
30.08.2017

trp

KK/GT/SAR 3/20.09.2017/ 3P- 3C