



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

CRL OP (MD) No.10206 of 2017

WEB COPY

1. Ajay Kumar
 2. Palani Murugan
 3. Arumuga Raja
 4. Essakkimuthu
 5. Valathi
 6. Thanga Sudalai
 7. Antony Iruthaya Raj
- ... Petitioners/Accused Nos.1 to 7

Vs.

1. The State rep. by,
The Inspector of Police,
Gangaikondam Police Station,
Tirunelveli District.
(Crime No.91 of 2016)
- ... 1st Respondent/Complainant

2. Anantha Krishnan
- ... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the entire records relating to the Charge Sheet in S.C.No.445 of 2017 on the file of the learned Chief Judicial Magistrate, Tirunelveli, and to quash the same.

For Petitioners	: Mr.S.Angappan
For R-1	: Mr.K.Anbarasan,
	Government Advocate(Crl.Side).
For R-2	: Mr.R.Ramesh Arumugam

ORDER

This Criminal Original petition is filed for quashing the Charge Sheet in S.C.No.445 of 2017 on the file of the learned Chief Judicial Magistrate, Tirunelveli.

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

3. On the basis of the complaint lodged by the second respondent/defacto complainant against the petitioners/accused Nos.1 to 7, a case was registered by the first respondent police in Crime No.91 of 2016 for the offence under Sections 147, 148, 341, 294(b), 323, 307 and 506(ii) of I.P.C., r/w Section 109 of I.P.C. After the investigation, a Charge Sheet was filed by the first respondent police and the same was taken on file in S.C.No.445 of 2017 on the file of the learned Chief Judicial Magistrate, Tirunelveli District



for the same offences, as the case was registered.

4. After the filing of the Charge Sheet, it appears that the petitioners and the second respondent/defacto complainant have settled their dispute amicably out of Court, on the advise of the elders and well wishers. The parties also have entered into a compromise. The Joint Compromise Memo, dated 31.07.2017, signed by the petitioners and the defacto complainant along with their counsel is produced before this Court. In the Joint Compromise Memo, it is stated that the parties have settled their dispute amicably and that the second respondent did not want to proceed further in the criminal case and he also agreed to withdraw the complaint and expressed his consent to quash the criminal case.

5. The parties, namely the petitioners and the second respondent appeared today before this Court and expressed in unequivocal terms that they have signed in the Joint Compromise Memo on their own free 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.

6. Though the said offences are not compoundable, based on the Judgments of Hon'ble Supreme Court and in terms of Joint Compromise Memo, this Court is of the view that no useful or fruitful purpose will be served by keeping this matter pending. Hence, on the basis of the Joint Compromise Memo signed by the parties, the Criminal Original petition is allowed and the Charge Sheet in S.C.No.445 of 2017 on the file of the learned Chief Judicial Magistrate, Tirunelveli, is quashed in *toto*. The Joint Compromise Memo signed by the parties shall form part of the order.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

- 1.The Inspector of Police,
Gangaikondam Police Station,
Tirunelveli District.
- 2.The Chief Judicial Magistrate,
Tirunelveli.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

PMU

JS/GT/SAR.1/30.08.2017/ 2P-4C

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