



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.S.SUNDAR

Crl.O.P. (MD) Nos.10261 & 10262 of 2017

CRL.O.P. (MD) No.10261 of 2017:

1. Neelakandan
 2. Mani
 3. Prasad @ Perumalpillai
 4. Vairam, S/o.Lakhmanar Boothalingapillai
 5. Vairam, S/o.Kaliappan
 6. Senthil
- ... Petitioners/Accused Nos.1 to 6

Vs.

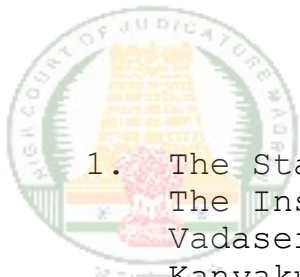
1. The State rep. by.
The Inspector of Police,
Vadaseri Police Station,
Kanyakumari District.
(Crime No.346 of 2017)
 2. Kithiyon
- ... 1st Respondent/ Complainant
- ... 2nd Respondent/ Defacto
Complainant

Prayer: Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to call for records in Crime No.346 of 2017 on the file of the respondent police and to quash the same.

For Petitioners	:	Mr.M.Sankar
For R-1	:	Mr.K.Anbarasan, Government Advocate (Crl.side) .
For R-2	:	Mr.K.S.Palani

CRL.O.P. (MD) No.10262 of 2017:

1. Palmani
 2. Jebamani
 3. Simson
 4. Kithiyon
 5. Murugan
 6. Marshal
- ... Petitioners/Accused Nos.1 to 6



-Vs-

1. The State rep. by.
The Inspector of Police,
Vadaseri Police Station,
Kanyakumari District.
(Crime No.345 of 2017)

... 1st Respondent/Complainant

2. Neelakandan

... 2nd Respondent/Defacto
Complainant

Prayer: Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to call for records in Crime No.345 of 2017 on the file of the respondent police and to quash the same.

For Petitioners	:	Mr.K.S.Palani
For R-1	:	Mr.K.Anbarasan, Government Advocate(Crl.side).
For R-2	:	Mr.M.Sankar

COMMON ORDER

These Criminal Original petitions are filed for quashing the Crime No.345 and 346 of 2017 on the file of the first respondent police.

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. The petitioner/first accused in Crl.O.P.(MD)No.10261 of 2017 is the defacto complainant in Crime No.345 of 2017 and the fourth petitioner/fourth accused in Crl.O.P.(MD)No.10262 of 2017 is the defacto complainant in Crime No.346 of 2016.

4. This is a case where there is a case and counter. On the basis of the complaint lodged by the second respondent/defacto complainant against the petitioners/accused Nos.1 to 6 in Crl.O.P.(MD)No.10261 of 2017, a case was registered in Crime No.346 of 2016 for the offence under Sections 147, 294(b), 323 and 506(i) of I.P.C. Similarly, based on the complaint lodged by the second respondent/defacto complainant against the petitioners in Crl.O.P.(MD)No.10262 of 2017, a case was registered in Crime No.345 of 2016 for the offence under Sections 147, 294(b), 323, 324, 506(ii) and 379 of I.P.C.

5. Pursuant to the registration of the First Information Reports, it appears that the parties, namely, the petitioners and the second respondent in both the cases have settled their dispute amicably out of Court, on the advise of the elders and well wishers. They have also entered into a compromise. Joint Compromise Memos



signed by the parties are produced before this Court. As per the Joint Compromise Memos, the defacto complainants in the respective cases have agreed to withdraw the criminal cases and also agreed for quashing the criminal cases.

6. Today, the parties, namely, the petitioners and the defacto complainants in both cases except the sixth petitioner in CrI.O.P. (MD) No.10261 of 2017 appeared before this Court and expressed in unequivocal terms that they have signed the Compromise Memos 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.

7. When enquired the defacto complainants in the respective cases about their dispute, they stated that they have settled their dispute amicably out of Court and they have also entered into a compromise. It is further stated that the parties in both cases have signed the Joint Compromise Memos in the presence of their respective counsel. It is further stated that they did not want to proceed further with the respective criminal cases.

8. Recording the statement of the parties in both cases and having regard to the specific terms of the Joint Compromise Memos, 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 Compromise Memos signed by the parties, the Criminal Original petitions are allowed and the criminal proceedings in Crime Nos.345 and 346 of 2017 on the file of the first respondent herein are quashed in *toto*. The Compromise Memos signed by the parties shall form part of the order.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

Encl.: Xerox copy of Compromise Memo

To

1. The Inspector of Police,
Vadaseri Police Station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 2 CC TO Mr.M.SANKAR, ADVOCATE IN SR No. 71219, 71220

PMU

TE/K9/SAR-IV : 29/08/2017 : 3P/5C

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

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