



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDARCr1.O.P.(MD) Nos.10520 and 10521 of 2017

Ramar ... Petitioner / Accused in
Cr1.O.P(MD) .
No.10520 of 2017

1.Soundararajan
2.Ashok kumar ... Petitioners / A1 and A2 in
Cr1.O.P(MD) .No.10521 of 2017

-Vs-

1.The State represented by
The Inspector of Police,
M.Pudupatti Police Station,
Virudhunagar District.
(Crime Nos.3 and 4 of 2015) ... 1st Respondent in both
Cr1.O.Ps.

Sundararajan ... 2nd respondent in
Cr1.O.P(MD) .No.10520 of 2017

2. Ramar ... 2nd Respondent in
Cr1.O.P(MD) .No.10521 of 2017

Prayer in Cr1.O.P(MD).No.10520 of 2017: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for entire records pertaining to the case in S.T.C.No.35 of 2017 pending on the file of the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District and quash the same.

Prayer in Cr1.O.P(MD).No.10521 of 2017: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for entire records pertaining to the case in C.C.No.313 of 2017 pending on the file of the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District and quash the same.

For Petitioners : Mr.A. Kesavan
in Cr1.O.P(MD) .No.10520 of 2017
Mr.S.M.Anantha Murugan
in Cr1.O.P(MD) .No.10521 of 2017

For R-1 : Mr.K.Anbarasan,
Government Advocate(Cr1.side)
in both O.Ps.



For R-2

: Mr.A. Kesavan
in CrI.O.P(MD).No.10521 of 2017

Mr.S.M.Anantha Murugan
in CrI.O.P(MD).No.10520 of 2017

WEB COPY

COMMON ORDER

This Criminal Original petition in CrI.O.P(MD).No.10520 of 2017 is filed to call for entire records pertaining to the case in S.T.C.No.35 of 2017 pending on the file of the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District and quash the same.

This Criminal Original petition in CrI.O.P(MD).No.10521 of 2017 is filed to call for entire records pertaining to the case in C.C.No.313 of 2017 pending on the file of the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District and quash the same.

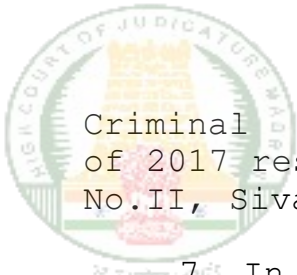
2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Criminal side) appearing for the first respondent and the learned counsel appearing for the second respondent in both the Criminal Original Petitions.

3. The petitioner in CrI.O.P(MD).No.10520 of 2017 is the sole accused in S.T.C.No.35 of 2017. The petitioners 1 and 2 in CrI.O.P(MD).No.10521 of 2017 are the accused nos. 1 and 2 in C.C.No.313 of 2017. The de facto complainant in C.C.No.313 of 2017 is the accused in S.T.C.No.35 of 2017. The de facto complainant in S.T.C.No.35 of 2017 is the first accused in C.C.No.313 of 2017. This is a case of case and counter.

4. It appears that parties viz., petitioners and the de facto complainant in both the cases have settled their dispute amicably out of Court, at the instigation of the elders and well wishers. The parties have signed in the Joint Compromise Memo, pursuant to the compromise reached between them.

5. The parties appeared before this Court and stated in unequivocal terms that the Joint Compromise Memo was signed by them on their own will and volition. The identities of the parties are verified with reference to the authenticated documents produced by the parties before this Court. Though the identities could not be verified by the respondent police, this Court is inclined to proceed and dispose of the Criminal Original petition, on the basis of the Compromise Memo, as the appearance of the parties and their individual identity have been confirmed by the respective counsels.

6. In the Compromise Memo, the de facto complainant, who is the second respondent in both the cases have agreed to quash the



Criminal proceedings pending in S.T.C.No.35 of 2017 and C.C.No.313 of 2017 respectively, on the file of the learned Judicial Magistrate No.II, Sivakasi.

7. In the said circumstances, this Court is of the view that no useful purpose will be served by keeping these matters pending. Hence, on the basis of the compromise memo signed by the parties, these Criminal Original petitions are allowed and the proceedings pending in S.T.C.No.35 of 2017 and C.C.No.313 of 2017 respectively, on the file of the learned Judicial Magistrate No.II, Sivakasi, is quashed in *toto*. The Joint Compromise Memos signed by the parties shall form part of the order.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.II,
Sivakasi, Virudhunagar District.

2.The Inspector of Police,
M.Pudupatti Police Station,
Virudhunagar District.

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

+1cc to Mr.A.KESAVAN Advocate in SR. No. 74114

+1cc to Mr.S.M.ANANTHAMURUGAN Advocate in SR. No. 74110

TRP

JS/SKN.RSK/SAR.1/26.09.2017/3P-6C

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