

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 10.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDARCRL.OP.(MD)No.10547 of 2017

1.Pasupathipandian

2.Manoj Kumar

... Petitioners/Accused No.1&2

Vs.

1. The State, represented by
The Inspector of Police,
Sikkal Police Station
Ramnad District.

... Ist Respondent/Complainant

2. Raj

... IInd Respondent/De-facto Complainant

PRAYER: This Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying this Court call for the records pertaining to C.C.No.156 of 2015, on the file of Judicial Magistrate, Muthukulathur and to quash the same.

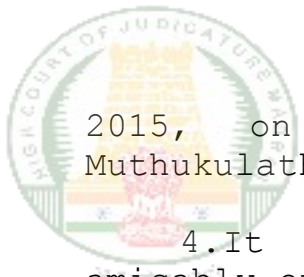
For Petitioners	: M/s.D.Venkatesh
For Respondent-1	: Mr.K.Anbarasan
	Govt. Advocate(Crl.Side)
For Respondent-2	: Mr.T.Lenin Kumar

O R D E R

This Criminal Original Petition has been filed to quash the C.C.No.156 of 2015, on the file of Judicial Magistrate, Muthukulathur

2.Heard the submissions of Mr.D.Venkatesh, learned counsel for the Petitioners and Mr.K.Anbarasan, learned Government Advocate (Crl.side)appearing for the first respondent/State and Mr.T.Lenin Kumar, learned counsel appearing for the second respondent and perused the materials placed before this Court including the joint compromise memo filed by both the parties.

3.On the basis of the complaint filed by the second respondent/De-facto complainant, a case in Crime No.57 of 2015, for the alleged offence under Sections 147, 294(b), 323 and 506 of Indian Penal Code registered against the Petitioners. After filing of charge sheet, the case was also taken on file in C.C.No.156 of



2015, on the file of the learned Judicial Magistrate, Muthukulathur.

4. It appears that the parties have settled their dispute amicably out of Court. It is stated that there was a compromise at the intervention of the well-wishers and elders in the village. The parties have produced before this Court a joint compromise memo, dated 1.8.2017. As per the joint compromise memo, the de-facto complainant has agreed that the proceedings in C.C.No.156 of 2015 can be quashed.

5. Today, the parties appear before this Court and expressed in unequivocal terms that they have entered into a compromise on their free will and own volition. In the compromise memo, dated 1.8.2017, the counsels representing the de-facto complainant as well as the petitioners have signed. The identity of the parties are verified with reference to the authenticated documents produced before this Court by the parties concerned. Of course, it is pointed out that the second Petitioner namely, the second accused is shown as Manoj Kumar. It is represented that in the criminal complaint as well as in the proceedings before the Court below, the second Petitioner is shown as Manoj Kumar. His real name is Manoj Prabhakar, son of Ammasi. Since the father's name and address is verified, this Court accepts the identity of the second Petitioner from the documents produced by him, as a person involved in this crime. The identity of the parties are also confirmed by the learned Government Advocate (Crl.Side) through the first respondent/Police.

6. Having regard to the terms of joint compromise memo filed by the parties before this Court, this Court is of the view that no useful or fruitful purpose would be served in keeping this petition pending. Hence, in the circumstances stated above, this Court is inclined to quash the C.C.No.156 of 2015 on the file of Judicial Magistrate, Muthukulathur, on the basis of the Joint Compromise Memo, dated 01.08.2017, filed by both the parties.

7. Accordingly, this Criminal Original Petition is allowed and C.C.No.156 of 2015, on the file of Judicial Magistrate, Muthukulathur insofar as the Petitioners alone is quashed. The Joint compromise memo, dated 1.8.2017 shall form part and parcel of this order.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar



To

1. The Judicial Magistrate,
Muthukulathur.

2. The Inspector of Police,
Sikkal Police Station
Ramnad District.

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

+1 CC to M/s.D.VENKATESH, Advocate, SR No. 71884.

VSN

PSM/KK/SAR4/29.08.2017/3P/5C

ORDER MADE IN
CRL.OP. (MD) No.10547 of 2017
10.08.2017