



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2017

CORAM

WEB COPY

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

Crl.O.P.(MD) No.10550 of 2017

Ashok

... Petitioner/ Accused No.1

-Vs-

1. State rep. by,
The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District,
(Crime No.216 of 2010)

... 1st Respondent/Complainant

2. M.Josephine Nirmala

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records relating to the First Information Report in Crime No.216 of 2010 dated 27.03.2010 on the file of the first respondent police and quash the same.

For Petitioner	:	Mr.V.T.Prabhakaran
For R-1	:	Mr.K.Anbarasan, Government Advocate(Crl.side).
For R-2	:	M/s.P.Kalaiyarasi Bharathi

O R D E R

This Criminal Original petition is filed to call for records relating to the First Information Report in Crime No.216 of 2010 on the file of the first respondent police and quash the same.

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

3. The petitioner is the first accused in this case and the complaint was given by the second respondent, who is the wife of the petitioner/first accused. The case was registered for offences under Sections 294(b), 376, 498(A), 420, 506(ii) IPC and Sections 3 and 4 of D.P.Act in Crime No.216 of 2010 on the file of the Inspector of Police, Thuckalay Police Station, Kanyakumari District. The petitioner and the second respondent/defacto complainant are the husband and wife. However, the petitioner and the second respondent have settled their disputes in the presence of their family members and elders out of Court.



4. As per Joint Compromise Memo, dated 17.07.2017, the parties have settled the matter amicably and they are leading a happy matrimonial life without any hindrance. The de-facto complainant has also agreed to withdraw the criminal case as against the petitioner.

5. The Joint Compromise memo signed by the parties as well as their respective counsel appearing for the parties is produced before this Court. The petitioner and the second respondent appeared before this Court today and expressed in unequivocal terms that they have signed in the Joint Compromise Memo 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. The identities of the parties are also confirmed by the learned Government Advocate(Criminal side) through the first respondent police.

6. Having regard to the specific terms of the compromise memo, dated 17.07.2017, this Court is of the view that no useful purpose will be served by keeping this matter pending. As per the Compromise Memo signed by the parties, the defacto complainant, namely, the second respondent has agreed to quash the proceedings against the petitioner/accused No.1. Hence, the criminal complaint in Crime No.216 of 2010 on the file of the first respondent Police, Thuckalay Police Station, Kanyakumari District, is quashed in *toto* and the Joint Compromise Memo signed by the parties shall form part of the order.

7. Accordingly, the Criminal Original petition is allowed.

Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

Encl.: Xerox copy of Compromise Memo

To

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

+ 1 CC TO M/s.P.KALAIYARASI, ADVOCATE IN SR No. 73143

MSA/MM

TE/MR-KKR/SAR-III : 30/08/2017 : 2P/4C

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Cr1.O.P. (MD) No.10550 of 2017
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