



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2017

CORAM

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

Crl.O.P.(MD) No.10854 of 2017

S.Rajesh

.. Petitioner/ Sole Accused

-Vs-

1.The Sub Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.
(In Crime No.172 of 2015)

..Respondent/Complainant

2.R.Rajesekar

..2nd Respondent/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records relating to the proceedings in C.C.No.231 of 2016 on the file of the Judicial Magistrate No.III, Nagercoil, Kanyakumari District, in Crime No.172 of 2015 Pending on the file of 1st Respondent Police and to quash the same.

For Petitioner	:	Mr.R.Sudhagar
For R-1	:	Mr.K.Anbarasan, Government Advocate(Crl.side).
For R-2	:	Mr.D.Senthil Kumar

ORDER

This Criminal Original petition is filed to call for records relating to the proceedings in C.C.No.231 of 2016 on the file of the Judicial Magistrate No.III, Nagercoil, Kanyakumari District, and to quash the same.

2. Heard the learned counsel appearing for the petitioner 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 complaint given by the second respondent, against the petitioner/sole accused, a case was registered in Crime No.172 of 2015 on the file of the first respondent for the offences under Sections 294(b), 323,427,506(i) I.P.C., After the registration of First Information report, the first respondent has proceeded to file final report, by arraying the petitioner herein as accused in C.C.No.231 of 2016 on the file of the learned Judicial Magistrate, No.III, Nagercoil, Kanyakumari District.

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4. It appears that pursuant to the complaint, the



petitioner/sole accused and the second respondent/de-facto complainant have amicably settled their disputes out of Court. As per settlement, the second respondent/de-facto complainant had agreed to withdraw the complaint. The parties have entered into joint compromise memo, dated 31.07.2017. The Joint Compromise memo signed by the parties as well as their respective counsel appearing for the parties is produced before this Court. As per the Joint Compromise Memo, the defacto complainant, namely, the second respondent has given his consent to quash the entire proceedings in C.C.No.231 of 2016 on the file of the Judicial Magistrate No.III, Nagercoil, Kanyakumari District.

5. The parties, namely, the petitioner and the second respondent appeared before this Court 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 joint compromise memo, 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 even against the first accused. Hence, the criminal proceedings in C.C.No.231 of 2016 on the file of the learned Judicial Magistrate No.III, Nagercoil, 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(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The Sub Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.

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

+1cc to Mr.R.SUDHAGAR Advocate in SR. No. 73023

MSA/MM

JS/KK/SAR.2/11.09.2017/ 3P-4C

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