



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.S.SUNDARCrl.O.P.(MD) No.10994 of 2017

- 1.Subramani
- 2.Iyyappan
- 3.Aravind
- 4.Mayalagu
- 5.Panneer

... Petitioners / Accused Nos.1,4,5,7 & 8

-Vs-

- 1.The State represented by
The Inspector of Police,
Sakkotai Police Station,
Sivagangai District.

(Crime No.192 of 2015) ... 1st Respondent/Complainant

2. Sekar

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records connected in PRC.No.32 of 2016 on the file of the learned Principal District Munsif Cum Judicial Magistrate, Karaikudi, Sivagangai District and quash the same.

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

O R D E R

This Criminal Original petition is filed to call for records connected in PRC.No.32 of 2016 on the file of the learned Principal District Munsif Cum Judicial Magistrate, Karaikudi, Sivagangai 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.

3. On the basis of the complaint preferred by the second respondent / defacto complainant, a case was registered by the first respondent police in Crime No.192 of 2015 for the offences under Sections 3(1) of TNPPDL Act r/w. 398, 149 of IPC. Thereafter, the respondent police filed charge sheet before the learned Principal District Munsif Cum Judicial Magistrate, Karaikudi,



Sivagangai District and the same was taken on file in PRC.No.32 of 2016.

4. It appears that parties viz., petitioners and the de facto complainant 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 dated 17.08.2017, 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 has agreed to withdraw the criminal case and the petitioners / Accused Nos.1,4,5,7 & 8 have requested this Court to quash the proceedings in PRC.No.32 of 2016.

7. In the said circumstances, this Court is of the view that no useful purpose will be served by keeping this matter pending. Hence, on the basis of the compromise memo signed by the parties, the Criminal Original petition is allowed and the proceedings pending in PRC.No.32 of 2016 on the file of the learned Principal District Munsif Cum Judicial Magistrate, Karaikudi, Sivagangai District, is quashed *toto* and the Joint Compromise Memo signed by the parties shall form part of the order.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1.The Inspector of Police,
Sakkotai Police Station,
Sivagangai District.
- 2.The Principal District Munsif Cum
Judicial Magistrate,
Karaikudi, Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.M.SANJAY Advocate in SR. No.74327

TRP

JS/MR.KKR/SAR.1/15.09.2017/ 2P-5C

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

Cr1.O.P.(MD) No.10994 of 2017

28.08.2017