



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
CRL OP(MD)No.11079 of 2017

WEB COPY

1. Maharajan
2. Siva @ Sivasubramanian
3. Subbu @ Subbulakshmi
4. Vanumamalai
5. Pillaiyar

... Petitioners/Accused Nos.1,2,4,5&6

Vs.

1. The State,
Rep. by the Inspector of Police,
Seithunganallur Police Station,
Tuticorin District.
(Crime No.143 of 2011)

... Respondent/Complainant

2. Eswari

... Respondent/Defacto Complainant

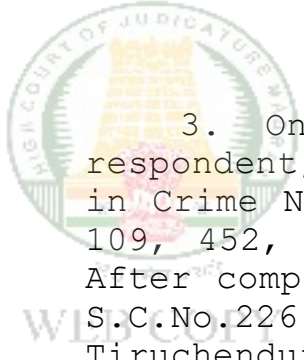
PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in S.C.No.226 of 2014 pending trial on the file of the Subordinate Court, Thiruchendur and to quash the same in view of the compromise entered between the defacto complainant/second respondent and the petitioners/accused Nos.1,2,4 to 6.

For Petitioners : Mr.N.Sathish Babu
For R-1 : Mr.K.Anbarasan,
Government Advocate(Crl.Side).
For R-2 : Mr.S.P.Prabakaran

O R D E R

This Criminal Original petition is filed for quashing the criminal proceedings in S.C.No.226 of 2014 pending trial on the file of the Subordinate Court, Thiruchendur, in view of the compromise entered between the defacto complainant/second respondent and the petitioners/accused Nos.1,2,4 to 6.

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



3. On the basis of the complaint given by the second respondent, a case was registered by the first respondent police in Crime No.143 of 2011 for the offences under Sections 147, 148, 109, 452, 294(b), 307 and 506(ii) I.P.C., r/w. Section 34 I.P.C. After completing the investigation, the case was taken on file in S.C.No.226 of 2014 on the file of the learned Subordinate Judge, Tiruchendur, for the same offences. The petitioners who are the accused Nos.1, 2, 4, 5 and 6.

4. It appears that the petitioners and the second respondent/defacto complainant are the close relatives. Pursuant to the filing of the Charge Sheet, the parties have settled their dispute amicably, on the advise of the elders and relatives. The parties also have entered into a compromise. The Joint Compromise Memo, dated 10.08.2017, signed by the petitioners and the defacto complainant in the presence of their respective counsel is produced before this Court. In the Joint Compromise Memo, it is stated that the second respondent has agreed to quash the criminal proceedings.

5. The parties appeared before this Court and expressed in unequivocal terms that they have signed in the Joint Compromise Memo on their own free will and volition. Though the members of Adhar card produced with reference to the petitioners 2 and 3 herein are not in tune with the particulars with regard to the name of the father, the identify of the parties are not disputed by the second respondent and the respondent police.

6. Having regard to the specific terms of the Joint Compromise Memo, this Court is of the view that no useful or fruitful purpose will be served by keeping this matter pending. Hence, on the basis of the Joint Compromise Memo signed by the parties, the Criminal Original petition is allowed and the criminal proceedings in S.C.No.226 of 2014 on the file of the Subordinate Court, Thiruchendur, is quashed in respect of the petitioners herein. The Joint Compromise Memo signed by the parties shall form part of the order.

Sd/-

Assistant Registrar(writs)

/True Copy/

Sub Assistant Registrar

To

Joint compromise memo xerox copies are enclosed



2. The Inspector of Police,
Seithunganallur Police Station,
Tuticorin District.

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

+1cc to M/S.N.SATHIS BABU, Advocate SR.No.73281

pmu

MAS/SV-MMS/SAR2:01.09.2017:3P-5C

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