



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.08.2017
CORAM

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

WEB COPY

Crl.O.P. (MD) No.11214 of 2017

- 1.Veerasenthil
- 2.Illayaraja
- 3.Rajapandi
- 4.Dhanuskodi
- 5.Arasu
- 6.Sasi
- 7.Kannaeram
- 8.Arun
- 9.Maruthuudayar
- 10.Sanjay
- 11.Samy @ Erulappan
- 12.Thavam
- 13.Ajith
- 14.Ananth
- 15.Maharajan
- 16.Prabhu
- 17.Selvaraj
- 18.Pandeeswaran
- 19.Sivaraman @ Jeyaraman
- 20.Kumar

... Petitioners

-Vs-

1. The State through rep. by
The Inspector of Police,
Melur Police Station,
Madurai.
(In Crime No.74 of 2017)

... Respondent/Complainant

2. Suresh @ Seeralam

... Respondent/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records pertaining to the proceedings in charge sheet in PRC.No.43 of 2017 on the file of the learned Judicial Magistrarte, Melur and to quash the same as illegal.

For Petitioners : Mr.K.Periyasamy

For R-1 : Mr.K.Anbarasan,
Government Advocate (Crl.side).

: Mr.Madhankumar

**O R D E R**

This Criminal Original petition is filed to call for records pertaining to the proceedings in charge sheet in PRC.No.43 of 2017 on the file of the learned Judicial Magistrate, Melur and to quash the same as illegal.

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 complaint given by the second respondent, against the petitioners, a case was registered in Crime No.74 of 2017 on the file of the first respondent for the offences under Sections 147,148,294(b),336,109,427, 506(ii) of IPC r/w. 3(2) (Va) SC/ST POA Act 2015. After the registration of First Information Report, the first respondent has proceeded to file final report, by arraying the petitioners herein as accused in PRC.No.43 of 2017 on the file of the learned Judicial Magistrate, Melur.

4. It appears that at the advise of the elders and friends, the petitioners and second respondent have amicably settled their dispute out of Court and also the Joint Compromise Memo, dated 21.08.2017, signed by the parties in the presence of their respective counsels is produced before this Court. As per the Joint Compromise Memo, the defacto complainant, namely, second respondent has agreed to withdraw the criminal complaint and he has also given his consent to quash the entire proceedings culminating in PRC.No.43 of 2017 in favour of the petitioners.

5. The parties 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 (except 12th petitioner) 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. With regard to the identity of the 12th petitioner his name is shown as Thavam, S/o. Ramar, in the cause title, but, the identity produced by the 12th petitioner reveals that his real name is Ravikumar. Since the identity of the 12th petitioner verified and confirmed by the counsel for the accused, the same is accepted.

6. Having regard to the agreement made between the parties, this Court is of the view that no useful purpose will be served by keeping the 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



petitioners. Hence the criminal proceedings culminating in PRC.No.43 of 2017 on the file of the learned Judicial Magistrate, Melur, 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(T&P)

/True copy/

Sub Assistant Registrar

To

Encl: Xerox copy of Compromise memo

- 1.The Judicial Magistrate, Melur
- 2.The Inspector of Police,
Melur Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2ccs to Mr.S.Madhan Kumar, Advocate in SR.No.75964

trp
AE/KP/SAR1/15.09.2017/3P/6C

Cr1.O.P.(MD) No.11214 of 2017
30.08.2017