



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD) No.11351 of 2017

1.Vanjinathan
2.Packiaraj

: Petitioners/Accused nos.1&2

-Vs-

1. The State of Tamil Nadu
rep. by the Inspector of Police,
Appan Thirupathi Police Station,
Oomatchikulam, Madurai.
Madurai District.

: Respondent/Complainant

2. R. Visu

: 2nd Respondent/Respondent

(Basheer Khan) died

: Respondent Died/Defacto
Complainant

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.426 of 2016 on the file of the learned Judicial Magistrate No.V, Madurai and quash the same.

For Petitioner : Mr.S.Ramakrishnan

For 1st Respondent : Mr.K.Anbarasan,
Government Advocate (Crl.Side)

For 2nd respondent : Mr.T.Sugadev

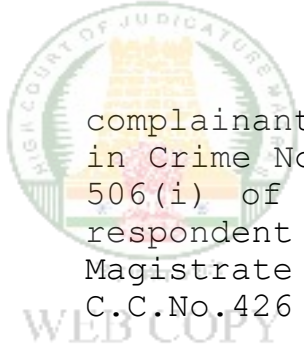
O R D E R

This Criminal Original petition is filed to call for the records in C.C.No.426 of 2016 on the file of the learned Judicial Magistrate No.V, Madurai 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 and the learned counsel appearing for the second respondent.

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

3. On the basis of the complaint preferred by the defacto



complainant, a case was registered by the first respondent police in Crime No.405 of 2013 for the offences under Sections 341, 323 and 506(i) of IPC as against the petitioners herein. Thereafter, the respondent police filed charge sheet before the learned Judicial Magistrate No.V, Madurai and the same was taken on file in C.C.No.426 of 2016.

4. It appears that the de facto complainant has given evidence as PW.1 and the second respondent has given evidence as PW.2. The de facto complainant has however, died, during the pendency of evidence. After the evidence of PW.2, the petitioners, who are arrayed as accused nos. 1 and 2 and the second respondent, who is PW.2 have settled their dispute amicably out of Court, at the instigation of the elders and well wishers. The Joint Compromise Memo dated 26.06.2017 signed by the petitioners and the second respondent in the presence of their respective counsels is produced before this court. As per the joint compromise memo, the second respondent, who is the prime witness stated that he has entered into the compromise with the petitioners, so as to avoid trial which would be detrimental to both sides. It was further stated that the second respondent has agreed to quash the proceedings pending before the learned Judicial Magistrate No.V, Madurai in C.C.No.426 of 2016.

5. Today, both the parties appeared before this Court and expressed in unequivocal terms, the Joint Compromise Memo signed by them was on their own will and volition. The identity of the parties are verified with reference to the authenticated documents produced by the parties before this Court. The identity 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 in the joint compromise memo signed by the parties before this Court, 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 C.C.No.426 of 2016 on the file of the learned Judicial Magistrate No.V, Madurai, is quashed *toto*. The Joint Compromise Memo signed by the parties shall form part of the order.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

Encl.: Xerox copy of Compromise Memo



1. The Judicial Magistrate No.V, Madurai

2. The Inspector of Police,
Appan Thirupathi Police Station,
Oomatchikulam, Madurai.
Madurai District.

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

+ 1 CC TO Mr.S.RAMAKRISHNAN, ADVOCATE IN SR No. 75310

TRP

TE/KK/SAR-I : 22/09/2017 : 3P/5C

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