



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2017

CORAM

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

Crl.O.P.(MD) No.11457 of 2017

S.Dhas

... Petitioner/Accused No.2

-Vs-

1. State rep. through
The Inspector of Police,
Tuckalay Police Station,
Kanyakumari.
(Crime No.1372 of 2002)

2. State rep. through
The Inspector of Police,
Kottrikkodu Police Station,
Kanyakumari.

... Respondents 1 and 2/
Complainants

3.E.Raman Pillai.

... 3rd Respondent/De facto
Complainant

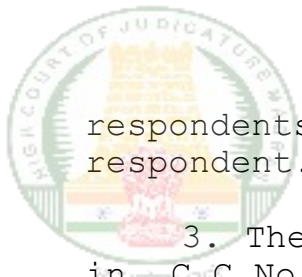
Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to record the compromise reached between petitioner/Accused No.2 and 3rd respondent/defacto complainant and Call for the records in C.C No.255/2017 on the file of the Judicial Magistrate, Padmanabapuram and quash the same as against this Petitioner .

For Petitioner	:	Mr.K.Samidurai
For R-1	:	Mr.K.Anbarasan, Government Advocate(Crl.side) .
For R-2	:	Mr.N.Mohammed Asiy

O R D E R

This Criminal Original petition is filed to quash the proceedings in C.C.No.255 of 2017 pending on the file of the learned Judicial Magistrate, Padmanabhapuram, for an alleged offence punishable under Sections 279, 332 and 294(b) of IPC.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the



respondents 1 and 2 and the learned counsel appearing for the third respondent.

3. The petitioner is the second accused in Criminal Proceedings in C.C.No.255 of 2017 on the file of the learned Judicial Magistrate, Padmanabhapuram. On the basis of the complaint preferred by the third respondent / de facto complainant, a case was registered by the respondents police in Crime No.1372 of 2002 for the offences under Sections 279, 332 and 294(b) of IPC against the petitioner and another. Thereafter, the first respondent police has filed a charge sheet before the learned Judicial Magistrate, Padmanabhapuram, and the same was taken on file in C.C.No.255 of 2017.

4. It appears that parties viz., petitioner and the de facto complainant have settled their dispute amicably out of Court, at the instigation of the elders and well wishers and they have also entered into a compromise. A joint compromise memo signed by the parties concerned in the presence of their respective counsels is produced before this Court.

5. As per the joint compromise memo, the parties viz., the petitioner and the third respondent have 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 petitioner / Accused No.2 and the third respondent have requested this Court to quash the proceedings in C.C.No.255 of 2017 on the file of the learned Judicial Magistrate, Padmanabhapuram.

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 C.C.No.255 of 2017 on the file of the learned Judicial Magistrate, Padmanabhapuram, is quashed in so far as the petitioner is concerned. The Joint Compromise Memo signed by the parties shall form part of the order.

Sd/-

Assistant Registrar (RTI)

/True Copy/



Encl.: Xerox copy of Compromise Memo

To
WEB COPY

1. The Judicial Magistrate,
Padmanabhapuram,
2. The Inspector of Police,
Tuckalay Police Station,
Kanyakumari.
(Crime No.1372 of 2002)
3. The Inspector of Police,
Kottrikkodu Police Station,
Kanyakumari.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.K.SAMIDURAI, ADVOCATE IN SR No. 77190

TRP

TE/SKN-RSK/SAR-II : 20/09/2017 : 3P/6C

Cr1.O.P. (MD) No.11457 of 2017
07.09.2017