



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2017

CORAM

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

Cr1.O.P.(MD) No. 11655 of 2017

Arumugam

...Petitioner/Accused No.1

-Vs-

1.State Represented by

The Inspector of Police,
karaiyur Police Station,
Pudukkottai District.
(Crime No.121 of 2006)

...Respondent/Complainant

2.Kathiresan

...Respondents/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to P.R.C.No.5 of 2015, pending on the file of the learned Judicial magistrate, Thirumayam and quash the same as against the petitioner.

For Petitioner	: Mr.D.Ramesh Kumar
For R1	: Mr.K.S.Durai Pandian
	Additional Public Prosecutor
For R2	: Mr.K.Praveenkumar

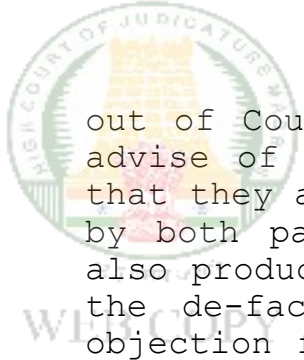
ORDER

The Criminal Original Petition has been filed to call for the records relating to P.R.C.No.5 of 2015, pending on the file of the learned Judicial magistrate, Thirumayam and to quash the same.

2.Heard the learned counsel appearing for the petitioner, learned Additional Public Prosecutor appearing for the first respondent and the learned counsel appearing for the second respondent.

3.The petitioner is the first accused in Cr.No.121 of 2006. Based on the complaint lodged by the second respondent herein, a case was registered by the respondent police for the offences punishable under Sections 294(b), 324, 323, 326 and 307 r/w 34 IPC. After filing the charge sheet, the case was taken on file in P.R.C.No.5 of 2015 before the learned Judicial Magistrate, Thirumayam.

4.It appears that the petitioner and the second respondent, namely, the de-facto complainant have settled their dispute amicably



out of Court and they have also entered into a compromise, on the advise of elders and their family members. They have also stated that they acted upon the compromise. A Joint Compromise Memo, signed by both parties, in the presence of their respective counsel, is also produced before this Court. As per the Joint Compromise Memo, the de-facto complainant, namely, the second respondent, has no objection for quashing the entire proceedings in P.R.C.No.5 of 2015 pending on the file of the learned Judicial Magistrate, Thirumayam.

5.The parties appeared before this Court and expressed in unequivocal terms that they have signed the Joint Compromise Memo on their own free 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 Additional Public Prosecutor through the first respondent police.

6.Having regard to the specific terms of the Joint Compromise Memo, this Court is of the view that no useful purpose will be served by keeping this matter pending. Hence the criminal proceedings in P.R.C.No.5 of 2015, on the file of the learned Judicial Magistrate, Thirumayam, is quashed insofar as the petitioner is concerned. 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(CSII)

/True Copy/

Sub-Assistant Registrar

To

(*)JOINT COMPROMISE MEMO XEROX COPY IS ENLCOSED HEREWITH

1.The Judicial Magistrate ,
Thirumayam.

2.The Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.

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

+One cc to Mr.D.Rameshkumar, Advocate, SR.No.90116

cmr

RL/5C/2P/GT/SAR4/15/12/2017

Cr1.O.P.(MD) No. 11655 of 2017