



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.09.2017
CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD)Nos.11676 and 11677 of 2017

CRL.OP.(MD)No.11676 of 2017

1.Shenbagamoorthi
2.Muniyasamy
3.Sundhar
4.Moorthy @ Mooventhiran
5.Muthu @ Muthu Mayandi
6.Aathimoolam
7.Siva @ Sivagnanam ...Petitioners/Accused No.1, 2, 4 to 8

Vs.

1. The State represented by its,
The Inspector of Police,
Othakadai Police Station,
Madurai District,
(Crime No.525 of 2013) ... 1st Respondent/Complainant
2. Ranjith ... 2nd Respondent/De-facto
Complainant

PRAYER: This Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records in relating to the Charge Sheet in C.C.No.111 of 2016 on the file of the learned Judicial Magistrate, Melur and quash the same.

For Petitioner	: Mr.M.S.Jeyakarthik
For 1 st Respondent	: Mr.K.Anbarasan Govt. Advocate(Crl.Side)
For 2 nd Respondent	: Mr.A.Karthick Kumar

CRL.OP.(MD)No.11677 of 2017

1.Chinnasamy
2.C.Pandi
3.Sathis Kumar
4.Rajkumar ...Petitioners/Accused No.1 to
Vs.



1. The State represented by its,
The Inspector of Police,
Othakadai Police Station,
Madurai District,
(Crime No.526 of 2013)

...1st Respondent/Complainant

2. Muniasamy

...2nd Respondent/De-facto
Complainant

PRAYER: This Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records in relating to the Charge Sheet in C.C.No.112 of 2016 on the file of the learned Judicial Magistrate, Melur and quash the same.

For Petitioner	: Mr.A.Karthick Kumar
For 1 st Respondent	: Mr.K.Anbarasan Govt. Advocate(Crl.Side)
For 2 nd Respondent	: Mr.M.S.Jeyakarthick

C O M M O N O R D E R

These Criminal Original Petitions have been filed to quash the FIR in Crime Nos.525 & 526 of 2013, pending on the file of the learned Judicial Magistrate, Melur.

2.The petitioners in Crl.OP.(MD).No.11676 of 2017 are accused Nos. 1, 2, 4 to 8 in Cr.No.525 of 2013, which was registered against the petitioners for the alleged offences under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC. After registration of the F.I.R, the case was taken on file in C.C.No.111 of 2016, before the learned Judicial Magistrate, Melur for the same offences.

3.The petitioners in Crl.OP(MD)No.11677 of 2017 are accused No.1 to 5, in Cr.No.526 of 2013, which was registered as against the petitioners for the offences under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC. After registration of F.I.R., the Charge sheet has also filed and the case was taken on file in C.C.No.112 of 2016, before the learned Judicial Magistrate, Melur.

4.The Defacto complainant in Cr.No.525 of 2013 is the fifth petitioner in Crl.OP(MD).No.11677 of 2017. The defacto complainant in Cr.No.526 of 2013 is the second petitioner in Crl.OP(MD) No.11676 of 2017. Hence, this is a case of case and counter.

5.It appears that the parties namely the petitioners in both the cases and the defacto complainant in both the cases have settled their dispute amicably at the intervention of elders and well-wishers in the village. A compromise was arrived at between the parties. A Joint compromise memo dated 16.08.2017, signed by both parties, in respect of Crl.OP(MD)Nos.11676 and 11677 of 2017, in the presence of their respective learned counsels is produced before the court. As per the joint compromise memo, filed in both cases, the second respondent did not want to proceed further and

agreed to quash the criminal cases.

6.Today, the parties namely the petitioners in both cases and the second respondent/ defacto complainant in both cases appeared before this Court and expressed that they have entered into a compromise memo on their own will and free volition. In the compromise memo, dated 16.08.2017, the counsels representing the de-facto complainant as well as the petitioners have signed. The identity of the parties are verified with reference to the authenticated documents produced before this Court by the parties concerned. The identity of the parties are also confirmed by the learned Government Advocate (Crl.Side) through the respondent/Police.

7.In view of the above, this Court is of the view that no useful and fruitful purpose will be served in keeping this petition pending Hence, in the circumstances stated above, this Court is inclined to quash the FIR registered against the Petitioner on the basis of the Joint Compromise Memo, dated 16.08.2017, filed by the both parties.

8.Accordingly, these Criminal Original Petitions are allowed and the FIR in Crime Nos.525 and 526 of 2013, pending on the file of the learned Judicial Magistrate, Melur are quashed in toto. The Joint compromise memo, dated 16.08.2017 shall form part and parcel of this order.

Sd/-

Assistant Registrar (Crl Side)

/True copy/

Sub Assistant Registrar

Encl.: Xerox Copy of Compromise Memo

To

1. The Judicial Magistrate,
Melur.
 2. -Do-Thro' Chief Judicial Magistrate,
Madurai.
 3. The Inspector of Police,
Othakadai Police Station,
Madurai District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- + 1 CC TO MR.M.S.Jeyakarthik, ADVOCATE IN SR No.76512
Das/rm
MK/KK/SAR-3/3P/6C/19.09.2017