



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:07.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.11748 of 2017

Mariselvam : Petitioner/Accused

-Vs-

1. The State represented by
The Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District.
(Crime No.15 of 2017)

: Respondent/Complainant

2. Sudalaimani

: 2nd Respondent /Defacto Complainant

3. Meenachi

: 3rd respondent/injured person

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to call for the records in PRC.No.7 of 2017 on the file of the learned Judicial Magistrate No.I, Kovilpatti and quash the same.

For Petitioner : Mr.M.M.Manivelpandian

For 1st Respondent

: Mr.K.Anbarasan,
Government Advocate(Crl.Side)

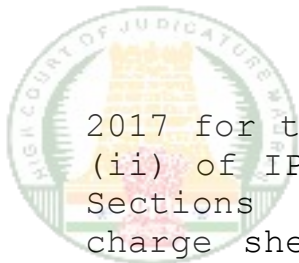
For respondents 2 & 3 : Mr.Lawrence Vinal

O R D E R

This Criminal Original petition is filed to call for the records in PRC.No.7 of 2017 on the file of the learned Judicial Magistrate No.I, Kovilpatti 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 respondents 2 and 3.

3. The petitioner is the sole accused in PRC.No.7 of 2017 on the file of the learned Judicial Magistrate No.I, Kovilpatti. The second respondent is the de facto complainant and the third respondent is the victim. On the basis of the complaint preferred by the second respondent / defacto complainant, initially a case was registered by the first respondent police in Crime No.15 of



2017 for the offences under Sections 341, 294(b), 324, 307 and 506 (ii) of IPC and subsequently, altered into for the offences under Sections 341, 294(b), 326, 307 and 506(ii) of IPC. After filing charge sheet case was taken on file in PRC.No.7 of 2017 on the file of the learned Judicial Magistrate No.I, Kovilpatti.

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4. It appears that parties have settled their dispute amicably out of Court, at the instigation of the elders and well wishers. The parties have entered into a compromise by a joint compromise signed by the parties in the presence of their respective counsels is produced before this Court. As per the joint compromise memo, the de facto complainant has agreed to not press the charge sheet. Though the offence is also under Section 307 of IPC which is not compoundable, the learned counsel appearing for the petitioner produced the Judgment of the Hon'ble Supreme Court and other Judgments of this Court, permitting the parties to compromise even in cases involving commission of cognizable offence under Section 307 of IPC.

5. The parties viz., petitioner and the respondents 2 and 3 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. In the joint Compromise Memo, the de facto complainant has agreed to quash the proceedings in in PRC.No.7 of 2017 on the file of the learned Judicial Magistrate No.I, Kovilpatti.

7. 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 in PRC.No.7 of 2017 on the file of the learned Judicial Magistrate No.I, Kovilpatti, is quashed *toto*. The Joint Compromise Memo signed by the parties shall form part of the order.

Sd/-
Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar



To

1. The Judicial Magistrate No.I,
Kovilpatti

2. The Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District.

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

+ 1 CC TO MR.M.M.Manivelpandian, ADVOCATE IN SR No.77356
trp
MK/MR KKR/SAR-1/25.09.2017/3P/5C

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