



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2017

CORAM

WEB COPY

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

Crl.O.P.(MD) No.11945 of 2017
and
Crl.M.P.(MD)No.8215 of 2017

Alammin ... Petitioner/ Accused No.1

-Vs-

1. State rep. by,
The Inspector of Police,
Colachel Police Station,
Kanyakumari District. ... Respondent/Complainant

2. Late.Amanulla
S/o.Abdul Kadar ... Respondent/De-facto Complainant

3. Abdul Kadar ... 3rd Respondent
(R-3 is impleaded vide order dated 19.09.2017
in Crl.M.P.(MD)No.8582 of 2017)

Prayer: Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to call for records in C.C.No.123 of 2014 on the file of the learned Judicial Magistrate, Eraniel, and to quash the same.

For Petitioner : Mr.S.C.Herold Singh

For R-1 : Mr.K.Anbarasan,
Government Advocate(Crl.side)

For R-3 : Mr.K.A.Thirumalaiappan

O R D E R

This Criminal Original petition is filed for quashing the criminal proceedings in C.C.No.123 of 2014 on the file of the learned Judicial Magistrate, Eraniel.

<https://hcservices.courts.gov.in/hcservices/>
2. And 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 third respondent.

3. The petitioner is the first accused in Crime No.14 of 2011 which was registered on the complaint given by the second respondent for the offences under Sections 341, 294(b) and 506 (i) IPC.

4. After filing of Charge Sheet, the case was taken on file in C.C.No.123 of 2014 on the file of the learned Judicial Magistrate, Eraniel, for the offences under Sections 341, 294(b), 323 and 506 (ii) I.P.C.

5. It appears that the defacto complainant, namely, Amanulla died on 23.01.2016 and that the father of the defacto complainant who has now been impleaded as third respondent in the proceedings and the petitioner have settled their dispute amicably out of Court, on the advise of the elders and well wishers. As a result, the father of the de-facto complainant/third respondent does not want to proceed further as against the petitioner. The parties also have entered into a compromise. The Joint Compromise Memo signed by the petitioner and the third respondent/father of the defacto complainant in the presence of their respective counsels is produced before this Court. As per the terms of the Joint Compromise Memo, the father of the defacto complainant has no objection to quash the criminal proceedings in C.C.No.123 of 2014 on the file of the learned Judicial Magistrate, Eraniel.

6. Today the parties, namely, the petitioner and the father of the defacto complainant 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 Government Advocate (Criminal side) through the first respondent police.

7. Having regard to the specific terms of the Joint Compromise Memo, this Court is of the view that no useful or fruitful purpose will be served by keeping this matter pending. Hence, on the basis of the Joint Compromise Memo signed by the parties, the Criminal Original petition is allowed and the criminal proceedings in C.C.No.123 of 2014 on the file of the learned Judicial Magistrate, Eraniel, is quashed in respect of the petitioner herein. The Joint Compromise Memo signed by the parties shall form part of the order. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl side)



To
Encl: Xerox copy of compromise memo

1. The Judicial Magistrate,
Eranel.

2.-do- Thro' The Chief Judicial Magistrate,
Kanyakumari District.

3. The Inspector of Police,
Colachel Police Station,
Kanyakumari District.

+ 2 ccs TO Mr.S.C.Herold Singh , Advocate in SR No. 79742

pmu/Is
AE/SKN RSK/SAR3/11.10.2017/3P/6C

Cr1.O.P. (MD) No.11945 of 2017
19.09.2017