



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No.12078 of 2017

- 1.Malarvendan
- 2.Fernarthuspaul
- 3.Tamilarasan
- 4.David @ Santhanam
- 5.Arockiadas
- 6.Arputham
- 7.Anthony Kumar
Rajendran (Accused No.8-Died)
- 8.Raja @ Moses
- 9.Arulananthu
Chanthiagu (Accused No.10-Died)
- 10.Xavier
- 11.Chandrasekar ...Petitioners/Accused Nos.1to7, 9, 11to13

-Vs-

1. The State represented by,
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(In Crime No.31 of 2014) ...1st Respondent/Complainant
- 2.Rev.Fr.Arockiasamy
VIRGIN OF THE POOR CHURCH
Thiruvetriyur,
Ramanathapuram District ...2nd Respondent/De-facto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in S.C.No.3 of 2016 on the file of the learned Additional Sessions Judge, Ramanathapuram and quash the same.

For Petitioners :Mr.S.Ravi

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

For R-2 :Mr.V.Sasi Kumar

O R D E R

This Criminal Original Petition has been filed to quash the records in S.C.No.3 of 2016 on the file of the learned Additional Sessions Judge, Ramanathapuram.

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2.Heard the learned Counsel appearing for the petitioners, the learned Government Advocate(Criminal side) appearing for the first respondent and the learned Counsel appearing for the second respondent.

3.On the basis of the complaint given by the second respondent, against the petitioners, a case was registered in Crime No.31 of 2014 on the file of the first respondent for the offences punishable under Sections 147, 148, 394(B), 324, 323, 326, 452 and 307 of I.P.C., and Section 3(1) of Tamilnadu Public Properties (Prevention of Destruction and Loss) Act, r/w 149 of I.P.C. The petitioners are the accused Nos.1 to 13 . Accused Nos.8 and 10 are no more and they are also shown as deceased parties. After filing a charge sheet, the case was taken on the file of the learned Additional Sessions Judge, Ramanathapuram in S.C.No.3 of 2016 and the same is pending.

4.It appears that at the advise of the elders and friends, the parties namely, accused Nos.1 to 7, 9 and 11 to 13 / petitioners herein and the second respondent have settled their dispute amicably out of Court and they have also entered into compromise. A Joint Compromise Memo, signed by both parties, in the presence of their respective counsel, is also filed. As per the Joint Compromise Memo, the de-facto complainant, namely, the second respondent has given his consent to quash the entire proceedings in S.C.No.3 of 2016 in favour of the petitioners.

5.The parties appeared before this Court and expressed in unequivocal terms that they have signed in the Joint Compromise Memo 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. The identities of the parties are also confirmed by the learned Government Advocate (Criminal side) through the first respondent police.

6.Having regard to the compromise arrived at between the parties, this Court is of the view that no useful purpose will be served by keeping this matter pending. As per the Compromise Memo signed by the parties, the de-facto complainant, namely, the second respondent has agreed to quash the proceedings against all accused. Hence the criminal proceedings in S.C.No.3 of 2016 on the file of the learned Additional Sessions Judge, Ramanathapuram, is ~~quashed~~ ^{settled} in its entirety. 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(RTI)

/True Copy/

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Sub Assistant Registrar

Herewith enclosed the copy of Compromise Memo.

To

1 The Additional Sessions Judge, Ramanathapuram.

2 The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.

+1CC to Mr.S.Ravi, Advocate, SR.No.78512

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