



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

Crl.O.P.(MD) No.12204 of 2017

1. Manoharan
 2. Sundar @ Azhagusundaram
 3. Baby
- ... Petitioners/Accused 1 to 3

-Vs-

1. The State represented by,
The Inspector of Police,
South Police Station,
Tuticorin District.
(In Crime No.937 of 2016) ... 1st Respondent/Complainant
2. Balasivam ... 2nd Respondent/De-facto
Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to Cr.No.937 of 2016 dated 13.08.2016 on the file of the 1st respondent police and quash the same.

For Petitioners : Mr.S.Moorthy
For R-1 : Mr.K.Anbarasan,
Government Advocate(Crl.side).
For R-2 : Mrs.M.Bhuvaneshwari

O R D E R

This Criminal Original Petition has been filed to quash the records relating to Cr.No.937 of 2016 on the file of the first respondent police.

2.Heard the learned counsel appearing for the petitioners and 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.937 of 2016 on the file of the first respondent police for the offences punishable under Sections 294(b), 323 and 506(ii)



4.It appears that on the advise of the elders and friends, the petitioner and the second respondent have agreed to compromise the matter out of Court. A Joint Compromise Memo, dated 12.09.2017, signed by both parties, in the presence of their respective counsels, is also produced before this Court. As per the Joint Compromise Memo, the de-facto complainant, namely, the second respondent has given his consent to quash the entire proceedings in Cr.No.937 of 2016.

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 the petitioners. Hence the criminal proceedings in Cr.No.937 of 2016 on the file of the Inspector of Police, South Police Station, Tuticorin District, is quashed in *toto*. 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 (CS-I)

/True copy/

Sub Assistant Registrar

Encl.:Xerox Copy of Compromise Memo

To

The Inspector of Police,
South Police Station,
Tuticorin District.

+ 1 CC TO MR.S.Moorthy, ADVOCATE IN SR No.79429

cmr

MK/SKN RSK/SAR-2/27.09.2017/2P/3C

Cr1.O.P.(MD) No.12204 of 2017

18.09.2017