



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2017

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

Crl.O.P.(MD) No.12208 of 2017

1.Senthilmurugan

2.Gokila

... Petitioners/Accused

**-Vs-**

1. The Inspector of Police,  
Kallikudi Town Police Station,  
Thirumangalam Town Circle,  
Madurai District,  
(In Crime No.139 of 2016)

... 1<sup>st</sup> Respondent/Complainant

2. Sathishkumar

... 2<sup>nd</sup> Respondent/Defacto Complainant

**Prayer:** Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records in S.C.No.154 of 2017 on the file of the Subordinate Court, Thirumangalam and quash the same.

|                 |   |                                                  |
|-----------------|---|--------------------------------------------------|
| For Petitioners | : | Mr.J.Senthil Kumar                               |
| For R-1         | : | Mr.K.Anbarasan,<br>Government Advocate(Crl.side) |
| For R-2         | : | Mr.V.Sankara Narayanan                           |

**ORDER**

This Criminal Original petition is filed against the order made in S.C.No.154 of 2017 on the file of the Subordinate Court, Thirumangalam.

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 second respondent.

3. The petitioners are accused in Crime No.139 of 2016 which was registered for the offences under Sections 294(b), 355, 323, 307 and 506(ii) of IPC. After filing charge sheet, the case was taken on file of the S.C.154 of 2017 before the Sub Court, Thirumangalam.

4.It appears that the parties, namely, the petitioners and the defacto complainant, namely, the second respondent have settled their dispute amicably outside the Court. They have also entered into a compromise. A Joint compromise memo, dated 29.08.2017 signed by the parties in the presence of their respective counsels is produced before this Court. As per the joint compromise memo, the



parties have stated that they are all close relatives and therefore on the advise of relatives and well wishers, they agreed to enter into the compromise. It is further stated that the defacto complainant has agreed to withdraw the complaint. They have also jointly requested to quash the case in S.C.No.154 of 2017.

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5. Though the case is also registered for offences under Section 307 of IPC which is not compoundable, having regard to the fact that the parties are relatives and the Hon'ble Supreme Court has permitted the parties to compromise, even in such cases, this Court is inclined to entertain the writ petition. The parties, namely, the petitioners and the second respondent appeared before this Court today 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 identity of the parties are also verified and confirmed by the learned Government Advocate(Criminal side) through the first respondent police.

6. Having regard to the specific terms of the joint compromise memo filed before this Court, this Court is of the view that no useful or fruitful purpose will be served by keeping this matter pending. Hence the charge sheet in S.C.No.154 of 2017 on the file of the learned Subordinate Court, Thirumangalam, is quashed in *toto* and 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 (P&A)

/True Copy/

Sub Assistant Registrar

**Encl.: Xerox copy of Compromise Memo**

**To**

1. The Subordinate Judge, Thirumangalam.
2. The Inspector of Police,  
Kallikudi Town Police Station,  
Thirumangalam Town Circle, Madurai District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.V.SANKARA NARAYANAN, ADVOCATE IN SR No. 79533

MRN/PJL

<https://hcservices.ecourts.gov.in/hcservices/>

TE/JC/SAR-1 : 12/10/2017 : 2P/5C

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