



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2017

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE S.S.SUNDARCrl.O.P. (MD) No.12224 of 2017

A.Ajeesh

... Petitioner/Accused No.2

-Vs-

1. The State represented by
The Inspector of Police,
Thuckalay Police Station,
Thuckalay,
Kanyakumari District.
(In Crime No.1143 of 2017)

... 1st Respondent/Complainant

2. Eswara Prasad

... 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 the charge sheet in C.C.No.193 of 2013, pending on the file of the learned Judicial Magistrate, Padmanabapuram and quash the same, insofar as it relates to the petitioner alone.

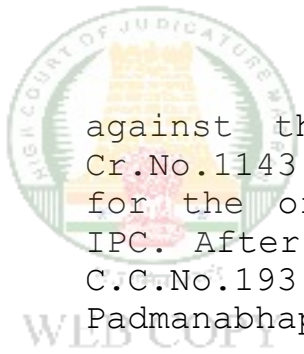
For Petitioner	: Mr.S.Bharathy Kannan
For R-1	: Mr.K.Anbarasan, Government Advocate(Crl. side).
For R-2	: Mr.B.Christopher

O R D E R

This Criminal Original Petition has been filed to quash the records relating to the charge sheet in C.C.No.193 of 2013, pending on the file of the learned Judicial Magistrate, Padmanabapuram, insofar as, it relates to the petitioner alone.

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

<https://hcservices.courts.gov.in/hcservices/>
3. The petitioner is the second accused in Crime No.1143 of 2017. Based on the complaint received from the second respondent,



against the petitioner and others, a case was registered in Cr.No.1143 of 2017, on the file of the first respondent police, for the offences punishable under Sections 341, 323 and 506(i) IPC. After filing the charge sheet, the case was taken on file in C.C.No.193 of 2013, by the learned Judicial Magistrate, Padmanabhapuram.

4.It appears that the petitioner and the de-facto complainant 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 no objection for quashing the charge sheet in C.C.No.193 of 2013, insofar as the petitioner concerned.

5.The parties appeared before this Court and expressed in unequivocal terms that they have signed the Joint Compromise Memo on their own will and free 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.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 the Charge Sheet in C.C.No.193 of 2013 on the file of the learned Judicial Magistrate, Padmanabharapuram is quashed, insofar as the petitioner is concerned. 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

1. The Judicial Magistrate,
Padmanabhapuram.



2. The Inspector of Police,
Thuckalay Police Station,
Thuckalay,
Kanyakumari District.

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

+ 1 CC TO MR.S.Bharathy Kannan, ADVOCATE IN SR No. 80555

cmr

MK/KK/SAR-2/09.10.2017/3P/5C

Cr1.O.P.(MD) No.12224 of 2017
20.09.2017