



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.12261 of 2017

- 1.Malairaja
- 2.Selvam @ Chithirai Selvam
- 3.Subburaj
- 4.Palani Kumar
- 5.Prabhu @ Jeyaprabhu
- 6.Maharajan @ Karunamaharaja
- 7.Pandi @ Pandiarajan
- 8.Pandian
- 9.Sudhakar @ Sudhakaran

...Petitioners
/ Accused No.1 to 7, 9 & 10

-Vs-

1. The State represented by,
The Inspector of Police,
Saptur Police Station,
Madurai District.

(In Crime No.70 of 2013) ...1st Respondent/Complainant

- 2.P.Thangapandi

... 2nd Respondent/De-facto
Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in pursuant to the impugned charge sheet in S.C.No.237 of 2014 on the file of the III Additional Sub-Court, Madurai at Usilampatti Camp and quash the same.

For Petitioners : Mr.S.Loganathan
For R-1 : Mr.K.Anbarasan,
Government Advocate(Crl.side).
For R-2 : Mr.P.Marthandan

O R D E R

This Criminal Original Petition has been filed to quash the records in pursuant to the impugned charge sheet in S.C.No.237 of 2014 on the file of the III Additional Sub-Court, Madurai at Usilampatti Camp.

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. Based on the complaint lodged by the second respondent, against the petitioners, a case was registered in Crime No.70 of 2013, on the file of the first respondent police for the offences punishable under Sections 147, 148, 294(b), 427, 341, 323, 307, 395 and 506(ii) IPC r/w 149 of IPC. After filing the charge sheet, the case was taken on file by the III Additional Sub-Court, Madurai at Usilampatti Camp, in S.C.No. 237 of 2014, against the 10 accused and the petitioners are accused Nos.1 to 7, 9 and 10. It is represented that 8th accused is no more.

4. The petitioners denied the incidents as it was recorded in the statement and contended that no serious injuries were caused to anyone and that Section 307 would not be attracted as no injuries were sustained. It is pertinent to mention that except the first petitioner, no other petitioners were charged under Section 307 IPC.

5. It appears that at the instigation of relatives and well wishers, the parties have settled their dispute amicably out of Court and they have also entered into a compromise. A Joint Compromise Memo, signed by both the 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 Charge Sheet in S.C.No.237 of 2014.

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 compromise arrived at between the parties, 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.237 of 2014 on the file of the III Additional Sub Court, Madurai at Usilampatti Camp, 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(Crl side)



To
Encl: Xerox copy of compromise memo

1.The Inspector of Police,
Saptur Police Station,
Madurai District.

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

+ 1 cc TO Mr.S.Loganathan , Advocate in SR No. 79948

cmr
AE/SKN RSK/SAR3/11.10.2017/3P/4C

CrI.O.P.(MD) No.12261 of 2017
18.09.2017