



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2017

CORAM

WEB COPY

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

Crl.O.P.(MD) No.12316 of 2017

D.Elangovan ... Petitioner / Accused No.3

-Vs-

1. The State represented by,
The Inspector of Police,
Ellanchembur Police Station,
Ramanathapuram District.
(In Crime No.26 of 2011) ... 1st Respondent/Complainant

2.Veeramakali ... 2nd Respondent/De-facto
Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records pertaining to the case in P.R.C.No.7 of 2016 on the file of the Judicial Magistrate, Mudukulathur and quash the same as against the petitioner / Accused No.3.

For Petitioner :Mr.R.Venkateswaran
For R-1 :Mr.K.Anbarasan,
Government Advocate(Crl.side).
For R-2 :Mr.S.Sabbani Karbura Jothi

ORDER

The Criminal Original petition is filed for quashing the proceedings in P.R.C.No.7 of 2016 on the file of the Judicial Magistrate, Mudukulathur.

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. Based on the complaint lodged by the second respondent, a case was registered in crime No.26 of 2011 for the offences punishable under Sections 147, 148, 294(b), 336 IPC and 4 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act. After filing the charge sheet, the case was taken on the file of the Judicial Magistrate, Mudukulathur, in P.R.C.No.7 of 2016, against the 26 accused. The petitioner is the third accused.



4. It appears that on the advise of the elders and friends, the petitioner and second respondent in this case have agreed to compromise the matter, out of Court and they have also entered into a compromise. A Joint Compromise Memo, dated 04.09.2017, signed by the both parties, in the presence of their respective counsel, is also filed to that effect. As per the Joint Compromise Memo, the de-facto complainant, namely, the second respondent, has given her consent to quash the entire proceedings in P.R.C.No.7 of 2016 in order to maintain peace.

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 specific terms agreed between the parties in the joint compromise memo, this Court is of the view that no useful purpose will be served by keeping these matters pending. As per the Compromise Memo signed by the parties, the de-facto complainant, namely, the second respondent has agreed to quash the proceedings in P.R.C.No.7 of 2016. Hence the criminal proceedings in P.R.C.No.7 of 2016, on the file of the Judicial Magistrate, Mudukulathur, is quashed insofar as the petitioner / 3rd accused concerned. The Joint Compromise Memo signed by the parties shall form part of the order.

7. Accordingly, this Criminal Original petition is allowed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

Encl: The Joint Compromise Memo signed by the parties shall form part of the order.

To

1 The Inspector of Police, Ellanchembur Police Station,
Ramanathapuram District.

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

+1CC to Mr.R.Venkateswaran, Advocate, SR.No.79656

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