



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2017

CORAM

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

Crl.O.P.(MD) No.12320 of 2017

Dhanasekar

... Petitioner / Sole Accused

-Vs-

1. The Inspector of Police,
Srivaikundam Police Station,
Srivaikundam District.

... 1st Respondent/Complainant

2. Nainar

... 2nd Respondent/De-facto
Complainant

Prayer: Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to call for records pertaining to the proceedings in C.C.No.179 of 2017 in Crime No.107 of 2017 under Sections 294(b), 323 & 506 (ii) IPC pending on the file of the Judicial Magistrate, Srivaikundam, Thoothukudi District and quash the same.

For Petitioner	: Mr.R.Aravind Raj
For R-1	: Mr.K.Anbarasan, Government Advocate(Crl.side).
For R-2	: Mr.S.Manickam

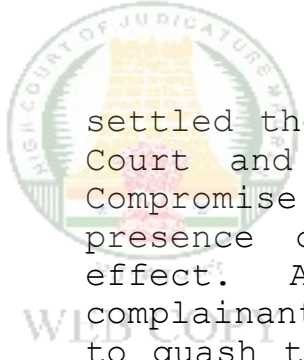
ORDER

The Criminal Original petition is filed for quashing the proceedings in C.C.No.179 of 2017 on the file of the Judicial Magistrate, Srivaikundam.

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 petitioner is the sole accused in Crime No.107 of 2017 registered on the basis of the complaint lodged by the second respondent for the offences punishable under Sections 294(b), 323 & 506 (ii) IPC. After filing the charge sheet, the case was taken on the file of the learned Judicial Magistrate, Srivaikundam, in C.C.No.179 of 2017.

<https://hcservices.ecourts.gov.in/hcservices/> appears that on the advise of the elders and friends, the petitioner and second respondent in this case have



settled their dispute and agreed to compromise the matter, out of Court and they have also entered into a compromise. A Joint Compromise Memo, dated 14.09.2017, signed by 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 C.C.No.179 of 2017 in order to maintain peace and harmony.

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 have agreed to quash the proceedings in C.C.No.179 of 2017. Hence the criminal proceedings in C.C.No.179 of 2017, on the file of the Judicial Magistrate, Srivaikundam, is quashed *toto*. 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 (AD-II)

/True copy/

Sub Assistant Registrar

Encl.: Xerox Copy of Compromise Memo.

To

1. The Inspector of Police,
Srivaikundam Police Station,
Srivaikundam District.

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

+ 1 CC TO MR.R.Aravind Raj, ADVOCATE IN SR No. 79933

SM

MK/KP/SAR-2/04.10.2017/2P/4C