



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDARCrl.O.P.(MD) No.12381 of 2017 and
Crl.M.P(MD).No. 8552 of 2017

Petchinathan

... Petitioner/Sole Accused

-Vs-

1.State rep. by
The Deputy Superintendent of Police,
Arulvaimozhi Police Station,
Kanyakumari District,
Kanyakumari.

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

3.Rajeshwari

... Respondents/Complainants

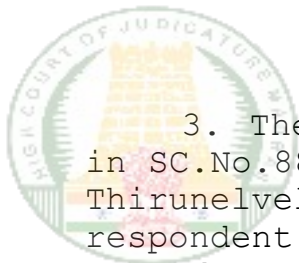
Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to SC.No.88 of 2017 on the file of the II Additional District Court, Thirunelveli and quash the same as illegal.

For Petitioner	:	Mr.N. Shanmugaselvam
For R-1 & R2	:	Mr.K.S. Duraipandian Additional Public Prosecutor
For R-3	:	Mr.G. Manikandan

O R D E R

This Criminal Original petition is filed to to call for the records relating to SC.No.88 of 2017 on the file of the II Additional District Court, Thirunelveli and quash the same as illegal.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.



3. The petitioner is the sole accused in Criminal Proceedings in SC.No.88 of 2017 on the file of the II Additional District Court, Thirunelveli. On the basis of the complaint preferred by the third respondent / de facto complainant, a case was registered by the second respondent police in Crime No.72 of 2016 for the offence under Section 4 of Tamil Nadu Women Harassment Act @ 4 of TNWH Act and 3(i)(xi) of SC/ST POA Act, against the petitioner. Thereafter, the second respondent police has filed a charge sheet before the II Additional District Court, Thirunelveli and the same was taken on file in S.C.No.88 of 2017.

4. It appears that parties viz., petitioner and the de facto complainant have settled their dispute amicably out of Court, at the instigation of the elders and well wishers and they have also entered into a compromise dated 11.09.2017. A joint compromise memo signed by the parties concerned in the presence of their respective counsels is produced before this Court. As per the Compromise Memo, the de facto complainant has agreed to withdraw the criminal case and the petitioner and the third respondent have requested this Court to quash the proceedings in S.C.No.88 of 2017 on the file of the II Additional District Court, Thirunelveli.

5. As per the joint compromise memo, the petitioner and the third respondent, who have appeared before this Court have stated in unequivocal terms that the Joint Compromise Memo was signed by them 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 confirmed by the learned Additional Public Prosecutor through the second respondent Police.

6. In the said circumstances, this Court is of the view that no useful purpose will be served by keeping this matter pending. Hence, on the basis of the compromise memo signed by the parties, the Criminal Original petition is allowed and the proceedings pending in S.C.No.88 of 2017 on the file of the II Additional District Court, Thirunelveli is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

Encl.: Xerox copy of Compromise Memo



To

1. The II Additional District Judge,
Thirunelveli.
2. The Deputy Superintendent of Police,
Arulvaimozhi Police Station,
Kanyakumari District,
Kanyakumari.
3. The Inspector of Police,
Arulvaimozhi Police Station,
Kanyakumari District,
Kanyakumari.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.N.SHANMUGA SELVAM, ADVOCATE IN SR No. 82541

TRP

TE/KK/SAR-2 : 31/10/2017 : 3P/6C

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