



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No.12410 of 2017

WEB COPY

1. Iyyappan
2. Vijayan

... Petitioners/Accused Nos.1 to 2

-Vs-

1. The State represented by,
The Inspector of Police,
Eraniel Police Station,
Eraniel, Kanyakumari District.
(In Crime No.653 of 2009)

...1st Respondent/Complainant

2. Pradeepkumar

... 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.188 of 2010, pending on the file of the learned Judicial Magistrate, Eraniel and quash the same.

For Petitioners	: Mr.D.Srinivasaragavan
For R-1	: Mr.K.Anbarasan, Government Advocate(Crl. side).
For R-2	: Mr.M.Jayakumar

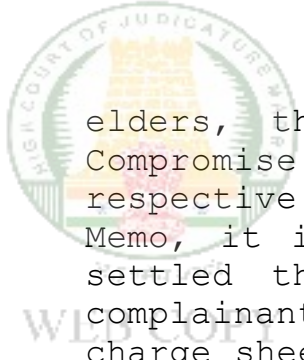
O R D E R

This Criminal Original Petition has been filed to quash the records relating to the charge sheet in C.C.No.188 of 2010, pending on the file of the learned Judicial Magistrate, Eraniel.

2. Heard the learned Counsel appearing for the petitioners, 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.653 of 2009 on the file of the first respondent for the offences punishable under Sections 294(b), 326 and 506(ii) IPC. After filing the charge sheet, the case was taken on file by the learned Judicial Magistrate, Eraniel, in C.C.No.188 of 2010. The petitioners are the Accused Nos.1 to 2.

4. It appears that the on the advice of close relatives and



elders, the parties have entered into compromise and a Joint Compromise Memo, signed by both parties, in the presence of their respective counsel, is also filed. As per the Joint Compromise Memo, it is stated that they have entered into a compromise and settled their dispute amicably out of Court and the de-facto complainant, namely, the second respondent has agreed to quash the charge sheet in C.C.No.188 of 2010.

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 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 purpose will be served by keeping this matter pending. Hence the charge sheet in C.C.No.188 of 2010 on the file of the learned Judicial Magistrate, Eraniel, 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 (P&A)

/True copy/

Sub Assistant Registrar

Encl.:Xerox Copy of Compromise Memo

To

1. The Judicial Magistrate,
Eraniel.

2. -Do- Thro' The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

3. The Inspector of Police,
Eraniel Police Station,
Eraniel, Kanyakumari District.

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

+ 1 CC TO MR.D.Srinivasaragavan, ADVOCATE IN SR No. 80048

cmr

MK/JC/SAR-3/04.10.2017/2P/6C