



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

Cr1.O.P. (MD) No.12450 of 2017

- 1.Sathuragiri
- 2.P.Karuppaiah
- 3.J.Subramani
- 4.K.Maruthai @ Maruthamuthu
- 5.S.Kannan
- 6.S.Kaniselman
- 7.K.Palanivelu
- 8.P.Kumar
- 9.P.Govindaraj
- 10.P.Maruthaiveeran
- 11.R.Duraisamy
- 12.P.Sasikumar
- 13.A.Manimaran
- 14.T.Pandian
- 15.K.Kannadasan
- 16.K.Velraj
- 17.S.Osappan
- 18.C.Gunasekaran
- 19.P.Sundaram
- 20.S.Murugan
- 21.K.Chandrasekaran
- 22.M.Tamilselvan
- 23.P.Karnan @ Karunakaran
- 24.N.Bharathi
- 25.M.Arapuli @ Eswaran
- 26.V.Senthil
- 27.T.Senthil
- 28.M.Sekar
- 29.A.Ganesan
- 30.N.Kumar
- 31.P.Elayaraja
- 32.K.Kathirkamam
- 33.V.Vaiyamalai
- 34.M.Natarajan
- 35.R.Govindaraj

...Petitioners/Petitioners/
Accused Nos.1, 2, 4, 8 to 12, 14 to
27, 29,31, 32, 34 to 40 and 43 to 45
-Vs-

1. The State represented by,
The Inspector of Police,
Thuraiyur Police Station,
Thuraiyur

<https://hcservices.courts.gov.in/hcservices/>
Tiruchirappalli District.

(In Crime No.46 of 1998)

...1st Respondent/Complainant



2. M.Palaniyandi

... 2nd Respondent/De-facto
Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records of the charge sheet in P.R.C.No.18 of 2001 on the file of the learned Judicial Magistrate, Thuraiyur and quash the same as against the petitioners.

For Petitioners :Mr.P.Banuprasath
For R-1 :Mr.K.Anbarasan,
Government Advocate(Crl. side).
For R-2 :Mr.K.Seemaraj

ORDER

This Criminal Original Petition has been filed to quash the charge sheet in P.R.C.No.18 of 2001 on the file of the learned Judicial Magistrate, Thuraiyur.

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 given by the second respondent, against the petitioners and others, a case was registered in Crime No.46 of 1998 on the file of the first respondent for the offences punishable under Sections 147, 148, 307, 506(ii) of I.P.C., and under Section 3(1) of Tamil Nadu Public Property Prevention of Damages and Loss Act. After investigation, charge sheet was filed and the same was taken on file by the learned Judicial Magistrate, Thuraiyur, in P.R.C.No.18 of 2001. The petitioners are the Accused Nos.1, 2, 4, 8 to 12, 14 to 27, 31, 32, 34 to 40 and 43 to 45.

4.Though the charges are under Section 307 IPC, which is non-compoundable, the learned counsel for the petitioners submitted that the parties have entered in to compromise and the dispute was settled between the parties out of Court. He also stated that as per the judgment of the Honourable Supreme Court, in the case of **Y.Suresh Babu vs. State of Andrapradesh** reported in **1988 AIR 2111**, the proceedings of the lower Court can be quashed on the basis of compromise. It is further submitted that some of the accused in this proceedings are no more and some of the accused are residing in abroad.

5.The parties have entered into compromise and a Joint Compromise Memo, signed by both parties, in the presence of their



respective counsel, is filed. As per the Joint Compromise Memo, it is stated that they have entered into a compromise, purely with an intention to settle all the issues between the parties and to purchase peace, apart from preventing the parties from undergoing the ordeal of trial and the de-facto complainant, namely, the second respondent has given his consent to quash the charge sheet in P.R.C.No.18 of 2001.

6.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.

7.Having regard to the specific terms of the Joint Compromise Memo, 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 P.R.C.No.18 of 2001 on the file of the learned Judicial Magistrate, Thuraiyur, is quashed in *toto*. The Joint Compromise Memo signed by the parties shall form part of the order.

8. Accordingly, the Criminal Original petition is allowed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Thuraiyur Police Station,
Thuraiyur
Trichy District.
2. The Judicial Magistrate,
Thuraiyur.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.P.Banuprasath, Advocate Sr.No.79989

CMR

VB/KK/SAR1/05/10/2017/3P/5C

Cr1.O.P. (MD) No.12450 of 2017
20.09.2017