



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2017

CORAM

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

Crl.O.P.(MD) No.12648 of 2017

1. Alwin Henry
2. Stephen @ Victor Stephen
3. Pushpam
4. Ajin Cross
5. Suman

... Petitioners / Accused 1 to 5

-Vs-

1. State rep. through
The Inspector of Police,
Vadaseri Police Station,
Kanyakumari District.
(Crime No.401 of 2017)

... 1st Respondent /Complainant

2. Manoharan

... 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 impugned charge sheet in S.C.No.106 of 2017 on the file of the learned Principal District Court, Kanyakumari and quash the same.

For Petitioners	: Mr.S.R.Sathan Boobathy
For R-1	: Mr.C.Ramesh
	Additional Public Prosecutor
For R-2	: Mr.K.Sivabalan

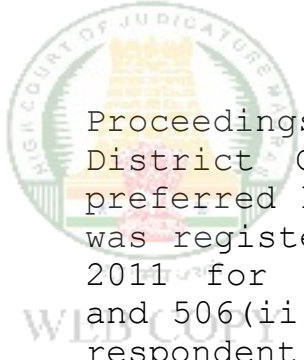
O R D E R

This Criminal Original petition is filed to call for the records relating to the impugned charge sheet in S.C.No.106 of 2017 on the file of the Principal District Court, Kanyakumari and quash the same.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent and the learned counsel appearing for the second respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The petitioners are the accused nos. 1 to 5 in Criminal



Proceedings in S.C.No.106 of 2017 on the file of the Principal District Court, Kanyakumari. On the basis of the complaint preferred by the second respondent / de facto complainant, a case was registered by the first respondent police in Crime No.401 of 2011 for the offences under Sections 147,294(b),424,427,323,324 and 506(ii) of IPC against the petitioners. Thereafter, the first respondent police has filed a charge sheet before the learned Principal District Judge, Kanyakumari and the same was taken on file in S.C.No.106 of 2017.

4. It appears that parties viz., petitioners 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. A joint compromise memo signed by the parties concerned in the presence of their respective counsels is produced before this Court.

5. As per the joint compromise memo dated 19.09.2017, the parties viz., the petitioners and the second respondent who 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 first respondent Police. Though it is pointed out that some discrepancy in the name of the third petitioner, the learned Additional Public Prosecutor submitted that the address shown in the petition is correct and there is no doubt with regard to the identity of the person.

6. In the Compromise Memo, the de facto complainant has agreed to withdraw the criminal case and the petitioners and the second respondent have requested this Court to quash the proceedings in S.C.No.106 of 2017 on the file of the learned Principal District Judge, Kanyakumari.

7. 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.106 of 2017 on the file of the learned Principal District Judge, Kanyakumari., is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order.

Sd/-

Assistant Registrar (AE)



To

1. The Principal District Judge, Kanyakumari

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

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

Encl.:Xerox Coy of Compromise Memo
Trp
MK/KK/SAR-2/09.10.2017/3P/4C

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