



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2017

CORAM

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THE HON'BLE MR.JUSTICE S.S.SUNDARCrl.O.P.(MD) Nos.12686 and 12687 of 2017

1.Prakash
2.Mohangandhi
3.Pitchammal @ Brintha
4.Lakshmi @ Ramalakshmi
5.Ganapathy ... Petitioners / Accused 1 to 5 in
Crl.O.P(MD).No.12686 of 2017

1.Prakash
2.Maharaja
3.Palavesam
4.Chandrasekar
5.Esakkithurai
6.Veeraperumal ... Petitioners / accused 1 to 6
Crl.O.P(MD).No.12687 of 2017

-Vs-

The State rep. by its
The Inspector of Police,
Palayamkottai Police Station,
Thirunelveli City
(Crime No.406 of 2017)

... 1st Respondent in both
Crl.O.P.No.12686/16

The State rep. by its
The Inspector of Police,
Sivanthipatti Police Station,
Thirunelveli District.
(Crime No.43 of 2016)

... 1st Respondent in both
Crl.O.P.No.12687/16

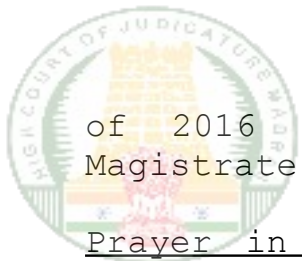
Pechithaai

... 2nd respondent in
Crl.O.P(MD).No.12686 of 2017

Balasundari

... 2nd Respondent in
Crl.O.P(MD).No.12687 of 2017

Prayer in both Crl.O.P(MD).No.12686 of 2016.: Criminal Original
service to the court under Section 482 of Code of Criminal Procedure,
to call for entire records for the First Information Report filed
by the first respondent in Crime No.406 of 2016 and in C.C.No.551



of 2016 on the file of the learned Additional Mahila Cum Magistrate, Thirunelveli and quash the same.

Prayer in both Crl.O.P(MD).No.12687 of 2016.: Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to call for entire records for the First Information Report filed by the first respondent in Crime No.43 of 2016 and pending before the learned II Additional District Judge, Thirunelveli in S.C.No.579 of 2017 and quash the same as illegal.

For Petitioners	:	Mr.P. Muthupandi in both Crl.O.Ps.
For R-1	:	Mr.C. Ramesh Additional Public Prosecutor in both O.Ps.
For R2	:	Mr. M. Jegadeeshpandian in both O.Ps.

C O M M O N O R D E R

The Criminal Original petition in Crl.O.P(MD).No.12686 of 2017 is filed, to call for entire records for the First Information Report filed by the first respondent in Crime No.406 of 2016 and in C.C.No.551 of 2016 on the file of the learned Additional Mahila Cum Magistrate, Thirunelveli and quash the same.

The Criminal Original petition in Crl.O.P(MD).No.12687 of 2017 is filed, to call for entire records for the First Information Report filed by the first respondent in Crime No.43 of 2016 and pending before the learned II Additional District Judge, Thirunelveli in S.C.No.579 of 2017 and quash the same as illegal.

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 in both the Criminal Original Petitions.

3. The petitioners in Crl.O.P(MD).No.12686 of 2017 are the accused nos. 1 to 5 in Crime No.406 of 2016 on the file of the Inspector of Police, Palayamkottai Police Station, Thirunelveli City. The petitioners in Crl.O.P(MD).No.12687 of 2017 are the accused nos.1 to 6 Crime No.43 of 2016 on the file of the Inspector of Police, Sivanthipatti Police Station, Thirunelveli District.

<https://hcservices.courts.gov.in/hcservices/>
4. On 18/08/2017, the complaint lodged by the second respondent in Crl.O.P(MD).No.12686 of 2017, a case was registered in Crime No.406 of 2016 for the offences under Sections 147, 447, 294(b),



352, 427, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002 and after filing charge sheet, the case was taken on file in C.C.No.551 of 2016 on the file of the Additional Mahila Cum Magistrate Court, Thirunelveli.

5. Based on the complaint lodged by the second respondent in Crl.O.P(MD).No.12687 of 2017, a case was registered in Crime No.43 of 2016 for the offences under Sections 147, 148, 447, 294(b), 506 (ii) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002 and Section 3 of TNPPDL Act and after filing charge sheet, a case was taken on file in S.C.No.579 of 2017 on the file of the III Additional District Judge, Thirunelveli.

6. It appears that parties viz., petitioners and the de facto complainant in both the cases have settled their dispute amicably out of Court, at the instigation of the elders and well wishers. Both the petitioners and the de facto complainant have entered into a compromise and a joint compromise memo signed by the respective parties in the presence of their respective counsels have been produced before this Court. As per the joint compromise memo dated 14.09.2017, the second respondent viz., de facto complainant in the both the cases have no objection for quashing the criminal proceedings in C.C.No.551 of 2016 and S.C.No.579 of 2017 pending on the file of the respective Courts.

7. The parties are present before this Court and expressed in unequivocal terms that the Joint Compromise Memos signed by them were 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 Additional Public Prosecutor through the first respondent police.

8. It is also noted that the name of the third petitioner in Crl.O.P(MD).No.12686 of 2017 is shown as Brintha in the Aadhar Card. However, the learned Additional Public Prosecutor on instructions would submit that the identification in respect of the 3rd petitioner in Crl.O.P(MD).No.12686 of 2017 is verified with reference to her residence and other documents. Further, the 5th petitioner in Crl.O.P(MD).No.12686 of 2017 has only produced the Xerox Copy of the Aadhar Card and the identity of the 5th petitioner is also verified and confirmed by the learned Additional Public Prosecutor.

9. In view of the Compromise Memos signed by the parties, this Court is of the view that no useful purpose will be served by keeping these matters pending. Hence, the Criminal Original petitions are allowed and the proceedings in C.C.No.551 of 2016 on the file of the Additional Mahila Cum Magistrate Court, Thirunelveli and S.C.No.579 of 2017 pending on the file of the III Additional District Judge, Thirunelveli are quashed in toto,



on the basis of the compromise memos signed by the parties concerned before this Court and the Joint Compromise Memos signed by the parties shall form part of the order.

WEB COPY

Sd/-
Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

(*)JOINT COMPROMISE MEMO XEROX COPIES ARE ENCLOSED HEREWITH

- 1.The Inspector of Police,
Palayamkottai Police Station,
Thirunelveli City
- 2.The Inspector of Police,
Sivanthipatti Police Station,
Thirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+One cc to M/s.P.Muthupandi, Advocate, SR.No.80661

+One cc to M/s.P.Muthupandi, Advocate, SR.No.80662

trp
RL/6C/4P/SKN/RSK/SAR1/6/10/2017

Cr1.O.P.(MD) Nos.12686 and 12687 of 2017

22.09.2017