



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDARCrl.O.P.(MD) Nos.12718 and 13453 of 2017Crl.O.P.(MD) No.12718 of 2017

1.P.Seetharaman

2.G.Selvaraj

3.A.Ponnaiah

Petitioners / accused

Vs.

1.State rep. by the Inspector of Police,

Devakottai Nagar Police Station,

Devakottai,

Sivagangai District.

(Crime No.1043 of 2012)

...1st Respondent/Complainant

2.S.M.Sanjay

...2nd Respondent/Defacto
ComplainantCrl.O.P.(MD) No.13453 of 2017

1.S.M.Sanjay

2.K.R.Sankar

...Petitioners/Accused No.1 and 2

Vs.

1.The State rep. by

The Inspector of Police,

Devakottai Town Police Station,

Sivagangai District.

(Crime No.1042 of 2012)

2.Seetharaman

...2nd Respondent/Defacto
Complainant

Prayer in Crl.O.P(MD).No.12718 of 2017.: Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the impugned charge sheet laid in C.C.No.41 of 2017 on the file of the learned Judicial Magistrate, Devakottai and quash the same.

Prayer in both Crl.O.P(MD).No.13453 of 2017.: Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to quash the Charge Sheet in C.C.No.71 of 2017 on the file of the learned Judicial Magistrate, Devakottai.

For Petitioners : Mr.K. Gokul

in Crl.O.P(MD).No.12718/2017

Mr.G.Thiruvavutselvan

in Crl.O.P(MD).No.13453/2017



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For R-1

: Mr.K.S. Duraipandian
Additional Public Prosecutor
in both O.Ps.

For R2

: Mr.G.Thiruvarutselvan
in Crl.O.P(MD).No.12718/2017
Mr.K. Gokul
in Crl.O.P(MD).No.13453/2017

COMMON ORDER

The Criminal Original petition in Crl.O.P(MD).No.12718 of 2017 is filed, to quash the charge sheet in C.C.No.41 of 2017, pending on the file of the learned Judicial Magistrate, Devakottai.

The Criminal Original petition in Crl.O.P(MD).No.13453 of 2017 is filed, to quash the charge sheet in in C.C.No.71 of 2017 pending on the file of the learned Judicial Magistrate, Devakottai.

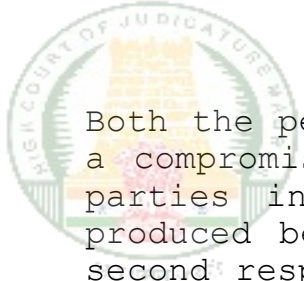
2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent and the learned counsel appearing for the second respondent in both the Criminal Original Petitions.

3. The petitioners in Crl.O.P(MD).No.12718 of 2017 are the accused in C.C.No.41 of 2017. Similarly, the petitioners 1 and 2 in C.C.No.71 of 2017 are the accused Nos. 1 and 2 in Crl.O.P(MD).No.13453 of 2017. Both the cases are pending before the learned Judicial Magistrate, Devakottai. The second respondent, de facto complainant in Crl.O.P.(MD).No.13453 of 2017 (C.C.No.71 of 2017) is the first accused in Crl.O.P(MD).No.12718 of 2017 (C.C.No.41 of 2017). Similarly, second respondent, de facto complainant in Crl.O.P.(MD).No.12718 of 2017 (C.C.No.41 of 2017) is the first accused in Crl.O.P(MD).No.13453 of 2017 (C.C.No.71 of 2017). This is a case of case and counter.

4. Based on the complaint lodged by the second respondent in Crl.O.P(MD).No.13453 of 2017, a case was registered in Crime No.1042 of 2012 for the offences under Sections 448, 294(b), 353, 323 and 506(i) of IPC and after filing charge sheet, the case was taken on file in C.C.No.71 of 2017 on the file of the of the learned Judicial Magistrate, Devakottai.

5. Based on the complaint lodged by the second respondent in Crl.O.P(MD).No.12718 of 2017, a case was registered in Crime No.1043 of 2012 for the offences under Sections 147, 294(b), 323, 355, 506 (i) of IPC @ 147, 294(b), 323, 355 and 506(ii) of IPC and after filing charge sheet, a case was taken on file in C.C.No.41 of 2017 on the file of the of the learned Judicial Magistrate, Devakottai.

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, the second respondent viz., de facto complainant in the both the cases have no objection for quashing the criminal proceedings in C.C.Nos.41 and 71 of 2017 on the file of the of the learned Judicial Magistrate, Devakottai, Sivagangai District.

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 in both the cases.

8. 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.Nos.41 and 71 of 2017 pending on the file of the of the learned Judicial Magistrate, Devakottai, Sivagangai District are quashed in *toto*, on the basis of the compromise memos signed by the parties concerned before this Court. The Joint Compromise Memos signed by the parties shall form part of the order.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

Encl: The Joint Compromise Memos signed by the Parties shall form part of the Order

1. The Inspector of Police,
Devakottai Nagar Police Station,
Devakottai, Sivagangai District.

2. The Judicial Magistrate, Devakottai, Sivagangai District.

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

+1cc to Mr.G.Thiruvavutselvan Advocate in SR. No. 81674

TRP

JS/GT/SAR.1/15.11.2017/3P-5C