



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDARCr1.O.P.(MD) Nos. 13708 and 13709 of 2017Cr1.O.P.(MD) No.13708 of 2017

Dharmar @ Dharman

...Petitioner

-Vs-

1.The State represented by its
Inspector of Police,
Viajayanarayanam Police Station,
Tirunelveli District.
Cr.No.116 of 2017

2.Poolaiah

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in Cr.No.116 of 2017 on the file of the 1st respondent police and quash the same.

For Petitioner

:Mr.T.A.Ebenezer

For R1

:Mr.K.S.Durai Pandian

Additional Public Prosecutor

For R2

:Mr.V.Karuna

Cr1.O.P.(MD) No.13709 of 2017

1.Sami Durai

2.Arumugam

3.Pooliappan

4.Manikandan @ Mani

5.Velkumar

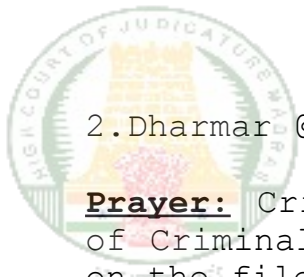
6.Sekar @ Marana Sekar

7.Kanthaiah @ Senthil Arumugam

...Petitioners

-Vs-

1.The State represented by its
Inspector of Police,
Viajayanarayanam Police Station,
Tirunelveli District.
Cr.No.117 of 2017



2.Dharmar @ Dharman

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in Cr.No.117 of 2017 on the file of the 1st respondent police and quash the same.

For Petitioners :Mr.V.Karuna
For R1 :Mr.K.S.Durai Pandian
Additional Public Prosecutor
For R2 :Mr.T.A.Ebenezer

COMMON ORDER

The Criminal Original Petition in CrI.O.P(MD) No.13708 of 2017 has been filed to call for the records in Crime No.116 of 2017 on the file of the first respondent police and quash the same.

2.The Criminal Original Petition in CrI.O.P.(MD) No.13709 of 2017 has been filed to call for the records in Crime No.117 of 2017 on the file of the first respondent police and quash the same.

3.The petitioner in CrI.O.P(MD) No.13708 of 2017 is the sole accused in Crime No.116 of 2017 and similarly the petitioners in CrI.O.P(MD) No.13709 of 2017 are the accused Nos.1 to 7 in Crime No.117 of 2017. The petitioner in CrI.OP(MD) No.13708 of 2017 is the de-facto complainant in Cr.No.117 of 2017 and second respondent in CrI.OP(MD) No.13709 of 2017.

4.The complaint in Crime No.116 of 2017 was registered for the offences punishable under Sections 294(b), 323, 324 and 506(i) of IPC, on the file of the respondent police. Similarly, the complaint in Crime No.117 of 2017 was registered for the offences punishable under Sections 147, 341, 294(b) and 506(ii) of IPC and 3(1) (r) 3(1) (s) and 3(2) (va) of the Scheduled Caste and Schedules Tribes (Prevention of Atrocities) Amendment Act, 2015, on the file of the respondent police.

5.It appears that on the advise of the elders and well wishers, the petitioners and the second respondent in both the cases have agreed to compromise the matter, out of Court. Joint Compromise Memos, signed by both parties, in the presence of their respective counsel, are also filed to that effect. As per the Joint Compromise Memos, the de-facto complainant, namely, the second respondent, in both cases, have given their consent to quash the entire proceedings in Crime Nos.116 and 117 of 2017.

6.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 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 Additional Public Prosecutor through



the first respondent police.

7. Having regard to the specific terms of the Joint Compromise Memos, this Court is of the view that no useful or fruitful purpose will be served by keeping these matters pending. Hence the criminal proceedings in Crime Nos. 116 and 117 of 2017, on the file of the first respondent police, namely, the Inspector of Police, Viajayanarayanam Police Station, Tirunelveli District, are quashed in toto. The Joint Compromise Memos signed by the parties shall form part of the order.

8. Accordingly, these Criminal Original Petitions are allowed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Viajayanarayanam Police Station,
Tirunelveli District.

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

+1cc to M/s. V. KARUNA Advocate in SR. No. 82937

+1cc to M/s. T. A. EBENEZER Advocate in SR. No. 82936

MM

JS/MR.KKR/SAR.1/10.11.2017/3P-5C

Cr1.O.P. (MD) Nos. 13708 and 13709 of 2017
13.10.2017