



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2017

CORAM

WEB COPY

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

Crl.O.P.(MD) No.13762 of 2017

1.Asarutheen @ Muhamathur Asarutheen
2.Idiris @ Mohamed Idiris ... Petitioners / Accused 1 and 2

-Vs-

1.State rep. by
The Inspector of Police,
Silaiman Police Station,
Silaiman,
Madurai District.
(Crime No.290 of 2015) ...1st Respondent/Complainant
2.Karuppasamy ...2nd respondents/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in Spl.S.C.No.58 of 2017 on the file of the III Additional District and Sessions Judge (PCR), Madurai and quash the same.

For Petitioners	:	Mr.D.S. Haroon Rasheed
For R-1	:	Mr.K.S. Duraipandian Additional Public Prosecutor
For R-2	:	Mr.T. Saravanapandian

O R D E R

This Criminal Original petition is filed to call for the records in Spl. S.C.No.58 of 2017 on the file of the III Additional District and Sessions Judge (PCR), Madurai 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.

3. The petitioners are the accused nos. 1 and 2 in Criminal Proceedings in Spl. S.C.No.58 of 2017 on the file of the III Additional District and Sessions Judge (PCR), Madurai. On the basis of the complaint preferred by the second respondent / de
<https://hccs.courts.milres.in>, a case was registered by the first respondent police in Crime No.290 of 2015 for the offences under Sections 294 (b), 323, 506(ii) of IPC and Section 3(i)(x) of Scheduled Castes

and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 1989 against the petitioners. Thereafter, the first respondent police has filed a charge sheet before the III Additional District and Sessions Judge (PCR), Madurai and the same was taken on file in Spl.S.C.No.58 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 to maintain communal harmony and the welfare of the people belonging to both groups. A joint compromise memo signed by the parties concerned in the presence of their respective counsels is produced before this Court. As per 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 Spl.S.C.No.58 of 2017 on the file of the III Additional District and Sessions Judge (PCR), Madurai.

5. As per the joint compromise memo, the petitioners and the second respondent, who have 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 second respondent Police.

6. 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 Spl.S.C.No.58 of 2017 on the file of the III Additional District and Sessions Judge (PCR), Madurai is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

(*) JOINT COMPROMISE MEMO XEROX COPY IS ENCLOSED HEREWITH

To

1. The Inspector of Police, Silaiman Police Station, Silaiman, Madurai District.
2. III Additional District and Sessions Judge (PCR), Madurai
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+One cc to Mr.D.S.Haroon Rasheed, Advocate, SR.No.82769

trp

<https://hcds.court.gov.in/csa/P2> 31/10/2017

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