

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 13.10.2017

CORAM

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

Crl.O.P.(MD) No.13860 of 2017

Subburaj

... Petitioner / Sole accused

-Vs-

1. The Inspector of Police,
Panagudi Police Station,
Thirunelveli District.
(Crime No.125 of 2016)

... 1st Respondent /Complainant

2. Josepin Amutha

... 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 charge sheet in P.R.C.No.59 of 2017 on the file of the Judicial Magistrate, Vallioor and quash the same.

For Petitioner	:	Mr.M. Subash Babu
For R-1	:	Mr.K.S. Duraipandian Additional Public Prosecutor
For R-2	:	Mr.R.Maheswaran

O R D E R

This Criminal Original petition is filed to to call for the records relating to the charge sheet in P.R.C.No.59 of 2017 on the file of the Judicial Magistrate, Vallioor and quash the same.

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



3. The petitioner is the sole accused in Criminal Proceedings in P.R.C.No.59 of 2017 on the file of the learned Judicial Magistrate, Vallioor. On the basis of the complaint lodged by the second respondent / de facto complainant, a case was registered by the first respondent police in Crime No.125 of 2016 for the offences under Sections 294(b), 324 , 307, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Woman Harassment Act against the petitioner. Thereafter, the first respondent police has filed a charge sheet before the the learned Judicial Magistrate, Vallioor and the same was taken on file in P.R.C.No.59 of 2017.

4. It appears that parties viz., petitioner and the second respondent / 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. It is also stated in the compromise memo that they are living together as husband and wife forgetting the past. 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, the petitioner 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 first respondent Police.

6. In the Compromise Memo, the de facto complainant has agreed to withdraw the criminal case and the petitioner and the second respondent have requested this Court to quash the proceedings in P.R.C.No.59 of 2017 on the file of the learned Judicial Magistrate, Vallioor.



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 P.R.C.No.59 of 2017 on the file of the learned Judicial Magistrate, Vallioor is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

Encl: Xerox copy of Compromise memo

To

1. The the Judicial Magistrate,
Vallioor.
2. -Do- Thro'The Chief Judicial Magistrate,
Madurai.
3. The Inspector of Police,
Panagudi Police Station,
Thirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.M.SUBASH BABU, Advocate SR.No.82881.

Trp

SDS/SV MMS/SAR2/09.11.2017/3P/6C

Cr1.O.P. (MD) No.13860 of 2017
13.10.2017