



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.10.2017
CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

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Cr1.O.P.(MD) No.14316 of 2017

- 1.Maniyakaran
- 2.Mathan Mohan
- 3.Dinesh
- 4.Subash
- 5.Ponnusamy
- 6.Subbiah
- 7.Senthil

... Petitioners / Accused Nos.1 to 7

-Vs-

1. State represented by
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
(In Crime No.542 of 2013) ... 1st Respondent/Complainant

2. Muthusamy ... 2nd Respondent/De-facto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in S.C.No.48 of 2017 on the file of the Chief Judicial Magistrate Court, Sivagangai, Sivagangai district and quash the same.

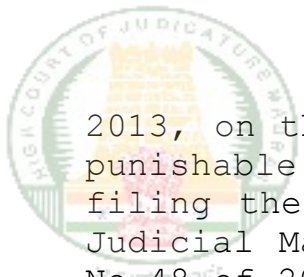
For Petitioners	: Mr.N.Mariappan
For R-1	: Mr.K.S.Durapandian Additional Public Prosecutor
For R-2	: Mr.K.Prabhu

ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.C.No.48 of 2017 on the file of the Chief Judicial Magistrate Court, Sivagangai, Sivagangai district

2.Heard the learned Counsel appearing for the petitioners, the learned Additional Public Prosecutor appearing for the first respondent and the learned Counsel appearing for the second respondent.

3.The petitioners are accused No.1 and 7 in SC No.48 of 2017. Based on the complaint received from the second respondent, against the petitioners, a case was registered in Cr.No.542 of



2013, on the file of the first respondent police, for the offences punishable under Sections 147, 148, 294(b), 324 and 307 IPC. After filing the charge sheet, the case was taken on file by the Chief Judicial Magistrate Court, Sivagangai, Sivagangai district, in SC No.48 of 2017.

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4.It appears that the petitioners and the de-facto complainant have settled their dispute amicably out of Court, on the advise of relatives and well wishers of both families and they have also entered into a compromise. The parties have filed a Joint Compromise Memo, dated 30.09.2017, signed by both parties, in the presence of their respective counsel. As per the terms of the Joint Compromise Memo, the de-facto complainant, namely, the second respondent has agreed for quashing the proceedings in SC No.48 of 2017, on the file of the Chief Judicial Magistrate Court, Sivagangai, Sivagangai district.

5.The parties appeared before this Court and expressed in unequivocal terms that they have signed 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.

6.Having regard to the specific terms of the Joint Compromise Memo, this Court is of the view that no useful or fruitful purpose will be served by keeping this matter pending. Hence the Charge Sheet in SC No.48 of 2017, on the file of the Chief Judicial Magistrate Court, Sivagangai, Sivagangai district is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order.

7.Accordingly, the Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar

Encl.: Xerox Copy of Compromise Memo

To

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



2. The Chief Judicial Magistrate Court,
Sivagangai,
Sivagangai District.

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

+ 1 CC TO MR.K.Prabhu, ADVOCATE IN SR No. 83877
cmr
MK/MR KKR/SAR-3/07.11.2017/3P/5C

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