



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2017

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

Crl.O.P.(MD) No. 14626 of 2017

1.Thangaraj

2.Vijayalakshmi

...Petitioners

-Vs-

1.The Inspector of Police,
Vadipatti Police Station,
Madurai District,
Crime No.233 of 2013

2.Sathishkumar

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records in C.C.No.97 of 2016 on the file of the learned Judicial Magistrate, Vadipatti and quash the same.

For Petitioners: Mr.S.Selvakumar

For R1 :Mr.K.S.Durai Pandian
Additional Public Prosecutor

For R2 :Mr.K.Mathan

ORDER

The Criminal Original Petition has been filed to call for records in C.C.No.97 of 2016 on the file of the learned Judicial Magistrate, Vadipatti and quash the same.

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

3.The petitioners are accused No.1 and 2 in C.C.No.97 of 2016. Based on the complaint lodged by the second respondent, a case was registered in Crime No.233 of 2013, for the offences punishable under Sections 294(b), 323 and 506(i) IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, on the file of the first respondent police. After filing the charge sheet, the case was taken on file in C.C.No.97 of 2016 before the learned Judicial Magistrate, Vadipatti, Madurai District.



4.It appears that the petitioners and the second respondent have settled their dispute amicably out of Court and they have also entered into a compromise, on the advise of elders and relatives. A Joint Compromise Memo, signed by both parties, in the presence of their respective counsel, is also produced before this Court. As per the Joint Compromise Memo, the de-facto complainant, namely, the second respondent, has no objection for quashing the entire proceedings in C.C.No.97 of 2016.

5.The parties appeared before this Court and expressed in unequivocal terms that they have signed the Joint Compromise Memo on their own free 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.

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 criminal proceedings in C.C.No.97 of 2016, on the file of the learned Judicial Magistrate, Vadipatti, Madurai District, is quashed in *toto*. The Joint Compromise Memo signed by the parties shall form part of the order.

7.Accordingly, this Criminal Original petition is allowed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

Encl:Xerox copy of Compromise memo

1.The Inspector of Police,
Vadipatti Police Station, Madurai District.

2.The Judicial Magistrate Court,
Vadipatti, Madurai District.

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

+1cc to M/S.S.SELVA KUMAR, Advocate SR.No.85089

mm

MAS/SKN-RSK/SAR2:07.11.2017:2P-5C