



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDARCrl.O.P.(MD) Nos.14680 and 14683 of 2017Crl.O.P.(MD) No.14680 of 20171.Bala @ Balasubramanian
2.Ramachandran

Petitioners / accused 1 &2

Vs.

1.State rep. by
the Inspector of Police,
Eral Police Station,
Thoothukudi District.
(Crime No.319 of 2017)

... RESPONDENT/COMPLAINANT

2.Ponnuthai

... RESPONDENT/DEFACTO COMPLAINANT

Crl.O.P.(MD) No.14683 of 2017

Sivasubramanian @ Dhulugan

Petitioner/Sole Accused

Vs.

1.The State rep. by
The Inspector of Police,
Eral Police Station,
Thoothukudi District.
(Crime No.318 of 2017)

...Respondent/Complainant

2.G. Krishnamoorthy

...Respondent/Defacto Complainant

Prayer in Crl.O.P(MD).No.14680 of 2017.: Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to permit the petitioners to compound the offence and quash all further proceedings in Crime No.319 of 2017 on the file of the 1st respondent.

Prayer in both Crl.O.P(MD).No.14683 of 2017.: Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to permit the petitioner to compound the offence and quash all the further proceedings in Crime NO.318 of 2017 on the file of the first respondent.



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For Petitioners : Mr.S.M.Mohan Gandhi
in Crl.O.P(MD).No.14680/2017
Mr.D. Anbarasu
in Crl.O.P(MD).No.14683/2017
For R-1 : Mr.K.S. Duraipandian
Additional Public Prosecutor
in both O.Ps.
For R2 : Mr.D. Anbarasu
in Crl.O.P(MD).No.14680/2017
Mr.S.M.Mohan Gandhi
in Crl.O.P(MD).No.14683/2017

C O M M O N O R D E R

The Criminal Original petition in Crl.O.P(MD).No.14680 of 2017 is filed, to permit the petitioners to compound the offence and quash all further proceedings in Crime No.319 of 2017 on the file of the respondent.

The Criminal Original petition in Crl.O.P(MD).No.14683 of 2017 is filed, to permit the petitioner to compound the offence and quash all the further proceedings in Crime NO.318 of 2017 on the file of the first respondent.

3. 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 in both the Criminal Original Petitions.

4. The petitioners in Crl.O.P(MD).No.14680 of 2017 are the accused nos. 1 and 2 in Crime No.319 of 2017. Similarly, the petitioner in Crl.O.P(MD).No.14683 of 2017 is the sole accused in Crime No.318 of 2017. The father of the petitioners 1 and 2 in Crl.O.P.(MD).No.14680 of 2017 (Crime No. 319 of 2017) is the de facto complainant in Crl.O.P(MD).No.14683 of 2017 (Crime No.318 of 2017). The second respondent / de facto complainant in Crl.O.P (MD).No.14680 of 2017 (Crime No. 319 of 2017) is the mother of the petitioner in Crl.O.P(MD).No.14683 of 2017 (Crime No. 318 of 2017). This is a case of case and counter.

5. Based on the complaint lodged by the second respondent in Crl.O.P(MD).No.14680 of 2017, a case was registered in Crime No.319 of 2017 for the offences under Sections 294(b) and 506(ii) of IPC. Similarly, on the basis of the complaint lodged by the second respondent in Crl.O.P(MD).No.14683 of 2017 as against the petitioner, a case was registered in Crime No.318 of 2017, for the offences under Sections 341, 294(b) and 506(ii) of IPC on the same day. Both the crimes were reported on the same day.

6. It appears that parties viz., petitioners and the de facto



complainant in both the cases have settled their dispute amicably out of Court, at the instigation of the elders and well wishers. Both the petitioners and the de facto complainant have entered into a compromise and a joint compromise memo signed by the respective parties in the presence of their respective counsels have been produced before this Court. As per the joint compromise memo, the second respondent viz., de facto complainant in the both the cases have no objection for quashing the proceedings pending in Crime Nos.318 and 319 of 2017, on the file of the first respondent Police.

7. The parties are present before this Court and expressed in unequivocal terms that the Joint Compromise Memos signed by them were on their own 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 in both the cases.

8. In view of the Compromise Memos signed by the parties, this Court is of the view that no useful purpose will be served by keeping these matters pending. Hence, the Criminal Original petitions are allowed and the proceedings pending in Crime Nos.318 and 319 of 2017, on the file of the first respondent Police are quashed in *toto*, on the basis of the compromise memos signed by the parties concerned before this Court. The Joint Compromise Memos signed by the parties shall form part of the order.

Sd/-

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To

Encl:Joint Compromise Memo Xerox Copy herewith attached

1.The Inspector of Police,
Eral Police Station,
Thoothukudi District.

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

+2 cc to MR.S.M.MOHAN GANDHI, Advocate SR.No.90458 and 90459

Cr1.O.P.(MD) Nos.14680 and 14683 of 2017

30.11.2017

SMA/PM-PN/SAR-4/04.01.2017:3P/5c