



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2017

CORAM

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

Crl.O.P.(MD) No.15246 of 2017

Mahabub Banu

...Petitioner/1st Accused

-Vs-

1. The State Represented by its
Assistant Commissioner of Police,
Anti Land Grabbing Cell,
Tirunelveli Town,
(Cr.No.31 of 2011)

...1st Respondent/Complainant

2.S.Nellaivadivu

...2nd Respondent/Defacto
Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to charge sheet in C.C.No.15 of 2017 on the file of the Judicial Magistrate No.I, (Special Court for Land Grabbing Cell) Tirunelveli, Tirunelveli District and quash the same.

For Petitioner : Mr.S.Krishnan

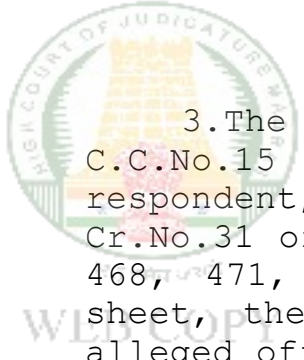
For R1 : Mr.A.Ramar
Additional Public Prosecutor

For R2 : Mr.A.Murali Kumar

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the charge sheet in C.C.No.15 of 2017 on the file of the Judicial Magistrate No.I, (Special Court for Land Grabbing Cell) Tirunelveli, Tirunelveli District and quash the same.

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



3.The petitioner is the sole accused in the proceedings in C.C.No.15 of 2017. Based on the complaint lodged by the second respondent, as against the petitioner, a case was registered in Cr.No.31 of 2011 for the alleged offences under Sections 465, 467, 468, 471, 474, 420, and 506(i) IPC. After filing the charge sheet, the case was taken on file in C.C.No.15 of 2017 for the alleged offences under Sections 182, 420 and 506(i) IPC.

4.It appears that the parties have settled their dispute amicably out of Court and they have also entered into a compromise, on the advice of well wishers in the village and family members. A Joint Compromise Memo, signed by both parties, in the presence of their respective counsel, is also produced before this Court. As per the terms of the Joint Compromise Memo, the de-facto complainant, namely, the second respondent has no objection for quashing the charge sheet in C.C.No.15 of 2017.

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 charge sheet in C.C.No.15 of 2017 on the file of the Judicial Magistrate No.I, (Special Court for Land Grabbing Cell), Tirunelveli, 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/-

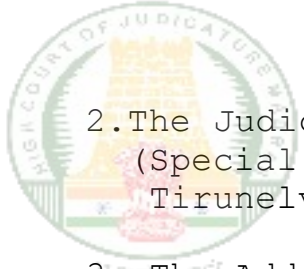
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

Encl: Xerox copy of Compromise Memo
To

1.The Assistant Commissioner of Police,
Anti Land Grabbing Cell,
Tirunelveli Town,



2.The Judicial Magistrate No.I,
(Special Court for Land Grabbing Cell),
Tirunelveli.

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

Mm

AE/JC/SAR2/22.11.2017/3P/4C

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