



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2017

CORAM

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

Crl.O.P.(MD) No. 15353 of 2017

1.Nagoor Kani

2.Aliyar

...Petitioners/Accused No.5 and 6
-Vs-

1.The State by

The Inspector of Police,
Sayalkudi Police Station,
Ramnad District.

(Crime No.436 of 2001) ...1st Respondent/Complainant

2.Syed Ibrahim

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to C.C.No.60 of 2002 on the file of the Judicial Magistrate, Mudukulathur in so far as the petitioners concern and quash the same.

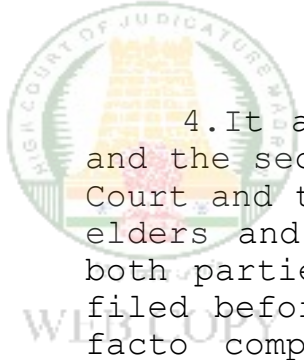
For Petitioners	:Mr.D.Venkatesh
For R1	:Mr.A.Ramar
	Additional Public Prosecutor
For R2	:Mr.T.Lenin Kumar

ORDER

The Criminal Original Petition has been filed to call for the records pertaining to C.C.No.60 of 2002 on the file of the learned Judicial Magistrate, Mudukulathur in so far as the petitioners are concerned and to 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 appearing for the second respondent.

3.The petitioners are accused Nos. 5 and 6 in C.C.No.60 of 2002. Based on the complaint lodged by the second respondent herein, a case was registered in Crime No.436 of 2001, by the respondent police for the offences punishable under Sections 147, 148, 341, 324, 427 & 506(ii) r/w 149 of IPC. After filing the charge sheet, the case was taken on file in C.C.No.60 of 2002 before the learned Judicial Magistrate Mudukulathur.



4.It appears that the petitioners who are accused Nos.5 and 6 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 the family members. A Joint Compromise Memo, signed by both parties, in the presence of their respective counsel, is also filed before this Court. As per the Joint Compromise Memo, the de-facto complainant, namely, the second respondent, has agreed to compromise the matter and no objection for quashing the entire proceedings in C.C.No.60 of 2002.

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 purpose will be served by keeping this matter pending. Hence the criminal proceedings in C.C.No.60 of 2002 on the file of the learned Judicial Magistrate, Mudukulathur, is quashed in so far as the petitioners concerned. 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(RECORD)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate Court,
Mudukulathur.

2.The Inspector of Police,
Sayalkudi Police Station,
Ramnad District.

MM

JS/SV.MMS/SAR.2/23.11.2017/2P-3C

CrI.O.P.(MD) No. 15353 of 2017
13.11.2017