



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2017

CORAM

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

CrI.O.P.(MD) No. 15880 of 2017

J.Nepolian ...Petitioner/Accused No.4
-Vs-

1. State Represented by
The Inspector of Police,
Uvari Police Station,
Tirunelveli District.
(Crime No.189 of 2011) ... 1st Respondent/Complainant

2. Vijiliya ... Respondent/Defacto complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the criminal proceedings in charge sheet in C.C.No.172 of 2016 on the file of the learned Judicial Magistrate, Valliyur and quash the same.

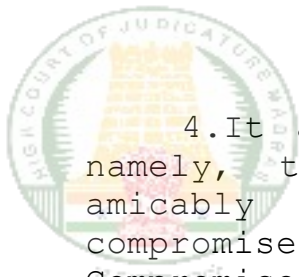
For Petitioner	: Mr.R.Venkatesan
For R1	: Mr.K.S.Durai Pandian Additional Public Prosecutor
For R2	: M/s.D.Deepamathi

ORDER

The Criminal Original Petition has been filed to call for the records in the charge sheet in C.C.No.172 of 2016 on the file of the learned Judicial Magistrate, Valliyur and to quash the same.

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

3.The petitioner is the 4th accused in Cr.No.189 of 2011. Based on the complaint lodged by the second respondent, namely the de-facto complainant, a case was registered in Crime No.189 of 2011, by the respondent police for the offences punishable under Sections 147, 148, 294(b), 448 and 506(ii) IPC. After filing the charge sheet the case was taken on file in C.C.No.172 of 2016 before the learned Judicial Magistrate, Valliyur.



4.It appears that the petitioner and the second respondent, namely, the de-facto complainant have settled their dispute amicably out of Court and they have also entered into a compromise, on the advise of elders and well wishers. 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, de-facto complainant, namely, the second respondent, has agreed for quashing the charge sheet in C.C.No.172 of 2016 on the file of the learned Judicial Magistrate, Valliyur.

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 charge sheet in C.C.No.172 of 2016 on the file of the learned Judicial Magistrate, Valliyur, 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(Records)

/True Copy/

Sub Assistant Registrar

Encl: Xerox copy of Joint Compromise Memo

To

1. The Judicial Magistrate,
Valliyur.

2. The Inspector of Police,
Uvari Police Station,
Tirunelveli District.

+1cc to Mr.R.Venkatesan, Advocate Sr.No.88798

MM

VB/KK/SAR2/30/11/2017/2P/4C

Cr1.O.P.(MD) No. 15880 of 2017

21.11.2017