



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2017

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

Crl.O.P.(MD) Nos. 16027 and 16028 of 2017

Crl.O.P.(MD) No. 16027 of 2017:-

- 1.Sureshkannan
- 2.Ragupathy
- 3.Hari @ Hariharan
- 4.Iyyappan
- 5.Malai @ Velmurugan

...Petitioners/Accused No.1 to 5
-Vs-

- 1.The State represented by its,
The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.
(In Crime No.321 of 2017)

...1st Respondent/Complainant

- 2.Muthukumar

... 2nd Respondent/De-facto
Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records in Crime No.321 of 2017 on the file of the first respondent police and quash the same.

For Petitioners	:Mr.T.A.Ebenezer
For R-1	:Mr.K.S.Durai Pandian Additional Public Prosecutor
For R-2	:Mr.V.Karuna

Crl.O.P.(MD) Nos. 16028 of 2017:-

- 1.Muthu @ Muthukumar
- 2.Manikandan
- 3.Mayil @ Gopal
- 4.Selvaraj
- 5.Suresh @ Sureshkumar
- 6.Velpandi @ Velandi

...Petitioners/Accused No.1 to 6

-Vs-

- 1.The State represented by its,
The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.
(In Crime No.325 of 2017)

...1st Respondent/Complainant



2.Ragupathy

... 2nd Respondent/De-facto
Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for in Crime No.325 of 2017 on the file of the first respondent police and quash the same.

For Petitioners :Mr.V.Karuna
For R-1 :Mr.K.S.Durai Pandian
Additional Public Prosecutor
For R-2 :Mr.T.A.Ebenezer

COMMON ORDER

These Criminal Original petitions have been filed to quash the cases in Crime Nos.321 & 325 of 2017, respectively on the file of the first respondent police.

2.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.

3.The petitioners in CrI.OP(MD) No.16027 of 2017 are the accused Nos.1 to 5 in Crime No.321 of 2017 and similarly the petitioners in CrI.OP(MD) No.16028 of 2017 are the accused Nos.1 to 6 in Crime No.325 of 2017. The second accused in CrI.OP(MD) No.16027 of 2017 is the de-facto complainant in CrI.OP(MD) No.16028 of 2017. Similarly, the first petitioner in CrI.OP(MD) No.16028 of 2017 is the de-facto complainant in CrI.OP(MD) No.16027 of 2017. Hence, this is a case of case and counter.

4.The complaint in Crime No.321 of 2017 was registered for the offences punishable under Sections 147, 148, 294(b), 364, 323, 307 and 506(ii) of IPC, on the file of the respondent police. Similarly, the complaint in Crime No.325 of 2017 was registered for the offences punishable under Sections 147, 341, 294(b), 323, 379 and 506(ii) of IPC and Section 3 of TNPPDL Act, on the file of the respondent police.

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5.It appears that at the advise of the elders and friends in their Village, the petitioners and second respondent in both the cases have agreed to compromise the matter, out of Court. Joint Compromise Memos, are also filed to that effect. As per the Joint Compromise Memos, the de-facto complainant, namely, the second respondent, in both cases, have given their consent to quash the entire proceedings in Crime Nos.321 and 325 of 2017.

6.The parties appeared before this Court and expressed in unequivocal terms that they have signed in the respective Joint



Compromise Memos on their own will and volition. The identities of the parties are verified with reference to the authenticated documents produced by the parties before this Court. The identities of the parties are also confirmed by the learned Additional Public Prosecutor through the first respondent police.

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7.The learned counsel appearing for the petitioner in Crl.O.P. (MD)No.16028 of 2017 submits that the third petitioner Mayil @ Gopal is not present today due to personal reasons and unavoidable circumstances but has signed the compromise memo produced before this Court and hence he requests to record the compromise as the de-facto complainant in both cases are present today. This Court is inclined to allow these petitions for quashing the criminal complaint as this is a case of case and counter and despite the non-appearance of the third petitioner in Crl.O.P.(MD)No.16028 of 2017, this Court is inclined to accept the compromise memo as the compromise memo has already been signed by the third petitioner in Crl.O.P.(MD)No.16028 of 2017.

8.Having regard to the terms of compromise memos signed by the parties, this Court is of the view that no useful purpose will be served by keeping these matters pending. As per the Compromise Memos signed by the parties, the de-facto complainant, namely, the second respondent in both cases have agreed to quash the proceedings in Crime Nos.321 and 325 of 2017. Hence the criminal proceedings in Crime Nos.321 and 325 of 2017, on the file of the first respondent, namely, the Inspector of Police, Thisayanvilai Police Station, Tirunelveli District, are quashed in *toto* and the Joint Compromise Memos signed by the parties shall form part of the order.

9. Accordingly, these Criminal Original petitions are allowed.

Sd/-

Assistant Registrar(AD-I)

/True Copy/

Sub Assistant Registrar

To

1.The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.

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

+2cc to Mr.T.A.EBENEZER Advocate in SR. No. 89830, 89831

GSP

JS/RSK/SAR.3/11.12.2017/3P-5C

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