



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2017

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

Cr1.O.P.(MD) No. 16030 of 2017

WEB COPY

1.Malaiappan

2.Gopal

... Petitioners/Petitioners/
Accused Nos.1 and 2

-Vs-

1.The State Represented by its,
The Inspector of Police,
Ottapidaram Police Station,
Ottapidaram,
Tuticorin District.
(in Crime No.57 of 2016)

... 1st Respondent/Respondent
Complainant

2.Karuppasamy

... 2nd Respondent/2nd Respondent
de-facto complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records of the Charge Sheet in S.T.C.No.544 of 2016 on the file of the Judicial Magistrate, Vilathikulam, Tuticorin District.

For Petitioners :Mr.P.Banuprasath

For R-1 :Mr.K.S.Durai Pandian
Additional Public Prosecutor

For R-2 :Mr.K.Seemaraaj

O R D E R

This Criminal Original Petition has been filed to quash the Charge Sheet in S.T.C.No.544 of 2016 on the file of the learned Judicial Magistrate, Vilathikulam, Tuticorin District.

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 respondent.

3.The petitioners are accused Nos.1 and 2 in Cr.No.57 of 2016. Based on the complaint lodged by the second respondent, against the petitioner, the case was registered in Crime No.57 of 2017, on the file of the first respondent police, for the offences punishable under Sections 294(b), 323 and 506(i) IPC. After



filing the Charge Sheet, the case was taken on file by the learned Judicial Magistrate, Vilathikulam, Tuticorin District.

4.It appears that at the advise of the elders and friends, the petitioner and the second respondent have agreed to compromise the matter, out of Court. The parties have entered into a compromise. A Joint Compromise Memo, signed by both parties, in the presence of their respective counsels, is also filed. As per the Joint Compromise Memo, the de-facto complainant, namely, the second respondent has agreed to quash the Charge Sheet in S.T.C.No544 of 2016, on the file of the learned Judicial Magistrate, Vilathikulam, Tuticorin District.

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 S.T.C.No544 of 2016, on the file of the learned Judicial Magistrate, Vilathikulam, Tuticorin District, 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(CO)

/True Copy/

Sub Assistant Registrar

To

Encl:Xerox copy of Compromise Memo

1.The Judicial Magistrate,

Vilathikulam,

Tuticorin District.

2.The Inspector of Police,

Ottapidaram Police Station,

Ottapidaram, Tuticorin District.

3.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.P.BANU PRASATH Advocate in SR. No. 89874

<https://hcservices.ecourts.gov.in/hcservices/>

JS/KK/SAR.1/12.12.2017/2P-5C

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