



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD) No.16312 of 2017

and

CRL.M.P.(MD) Nos.10805 and 10806 of 2017

Jeyakumar

... Petitioner/sole accused

Vs.

1. The Deputy Superintendant of Police,
Sattur Sub Division,
Sattur,
Virudhunagar District.

... Respondent/Complainant

2. The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.

3. Karuppasamy

... Respondent/Defacto Complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in Spl.S.C.No.17 of 2014 on the file of Principal District and Sessions Court, Srivilliputtur, Virudhunagar District and to quash the same.

For Petitioner
For Respondents

: Mr.S.C.Herold Singh
: Mr.K.S.Durai Pandian
Additional Public Prosecutor
for R.1 and R.2.
: Mr.M.Jagedeesh Pandian
for R.3.

ORDER

The Criminal Original Petition is filed to call for the records in Spl.S.C.No.17 of 2014 on the file of Principal District and Sessions Court, Srivilliputtur, Virudhunagar District and to quash the same.



2. Heard Mr.S.C.Herold Singh, learned Counsel for the petitioner and Mr.K.S.Durai Pandian, learned Additional Public Prosecutor, appearing for the respondents No.1 and 2, and Mr.M.Jagedeesh Pandian, learned counsel for the third respondent.

3. The petitioner is a sole accused in Crime No.40 of 2014 of the file of the second respondent. Based on the complaint lodged by the third respondent/defacto complainant, the case was registered for the offences punishable under Section 355, 323 I.P.C. r/w Section 3(1)(x) of SC/ST Act. After filing charge sheet, it was taken on file as PRC No.08 of 2014, on the file of Principal District and Sessions Court, Srivilliputtur, Virudhunagar for offences punishable under Section 355 and 323 I.P.C.

4. It appears that the parties namely the petitioner and the third respondent have amicably settled the matter out of Court at the intervention of elders and their Villagers. It is further stated that they have compromised all the issues and a memo has also been filed by the third respondent/de facto complainant dated 29.11.2017. The third respondent/de facto complainant has stated in the memo that the petitioner has given consent to compromise the matter. The third respondent/defacto complainant further stated that he does not want to proceed with the Criminal case and he requests this Court to allow this Criminal Original Petition.

5. It is stated that the petitioner is now in prison. Having regard to the fact and circumstances and the nature of offences alleged against the petitioner, this Court is inclined to entertain the memo filed by the third respondent/defacto complainant expressing his intention not to proceed with the Criminal case and to settle the matter. This Court is of the view, that the Criminal Original Petition has to be allowed in view of the memo filed by third respondent/defacto complainant in the interest of justice and communal harmony.



6. In the result, the Criminal Original Petition is allowed and the proceedings in SC.No.17 of 2014 is hereby quashed. The memo filed by the third respondent/de facto complainant shall form part of the order. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District and Sessions Judge,
Srivilliputtur at Virudhunagar.
2. The Deputy Superintendant of Police,
Sattur Sub Division,
Sattur,
Virudhunagar District.
3. The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.D.R.MURUGESAN, Advocate SR.No.90289.

CRL.OP.(MD) No.16312 of 2017
29.11.2017

gsp
SDS/SV:MMS/SAR 3/04.12.2017/3P/6C