



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2017

CORAM

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

Crl.O.P.(MD) No. 16365 of 2017

Sivakumar @ Babu

...Petitioners/Single Accused

-Vs-

1.State Represented by
The Inspector of Police,
Kulithalai Police Station,
Karur District.
(Crime No.567 of 2016)

...Respondent/complainant

2.Senthilkumar

... Respondent/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.No.14 of 2017 pending on the file of the learned Judicial Magistrate No.II, Kulithalai and quash the same.

For Petitioner	:Mr.S.Ravi
For R1	:Mr.K.S.Durai Pandian
	Additional Public Prosecutor
For R2	:Mr.M.Murali

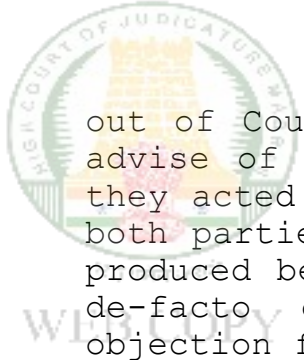
ORDER

The Criminal Original Petition has been filed to call for the records in C.C.No.14 of 2017 pending on the file of the learned Judicial Magistrate No.II, Kulithalai 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 sole accused in Cr.No.567 of 2016. Based on the complaint lodged by the second respondent herein, a case was registered for the offences punishable under Sections 294 (b), 353, 323 and 506(i) IPC., by the respondent police. After filing the charge sheet the case was taken on file in C.C.No.14 of 2017 before the learned Judicial Magistrate No.II, Kulithalai.

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 their relatives. They have also stated that they acted upon the compromise. A Joint Compromise Memo, signed by both parties, in the presence of their respective counsels, is also produced before this Court. As per the Joint Compromise Memo, the de-facto complainant, namely, the second respondent, has no objection for quashing the criminal proceedings in C.C.No.14 of 2017 pending on the file of the learned Judicial Magistrate No.II, Kulithalai.

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.14 of 2017 pending on the file of the learned Judicial Magistrate No.II, Kulithalai, 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(CRL. SIDE)

/True Copy/

Sub Assistant Registrar

To

Encl:Xerox copy of Compromise Memo

1.The Judicial Magistrate Court No.II,
Kulithalai.

2.The Inspector of Police,
Kulithalai Police Station,
Karur District.

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

+2ccs to Mr.S.RAVI Advocate in SR. No. 90611

CMR

JS/GT/SAR.1/13.12.2017/2P-6C

Crl.O.P.(MD) No. 16365 of 2017
29.11.2017