



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2017

CORAM

WEB COPY

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

Cr1.O.P.(MD) No.16534 of 2017

R.Selvarajan

... Petitioner / Accused No.1

-Vs-

1.State

rep. by the Sub Inspector of Police,
Amathur Police Station,
Virudhunagar,
(Crime No.132 of 2014)

2. M.Muthukumar

... respondents/ Complainant

Prayer: Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to call for the entire records in pursuant to C.C.No.92 of 2016 on the file of the learned Judicial Magistrate No.II, Virudhunagar and quash the same as against the petitioner is concerned.

For Petitioners	:	Mr.K. Sudhakar
For R-1	:	Mr.K.S. Duraipandian
		Additional Public Prosecutor
For R-2	:	Mr.K. Sudhakar

ORDER

This Criminal Original petition is filed to call for the entire records in pursuant to C.C.No.92 of 2016, on the file of the learned Judicial Magistrate No.II, Virudhunagar and quash the same as against the petitioner is concerned.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent no. 1 and the learned counsel appearing for the second respondent.

3. The petitioner is the first accused in criminal proceedings in C.C.No.92 of 2016, on the file of the learned Judicial Magistrate No.II, Virudhunagar. On the basis of the complaint lodged by the second respondent / de facto complainant, as against



the petitioners and others, a case was registered by the first respondent police in Crime No.132 of 2014, for the offences under Sections 294(b), 506(ii) of IPC and Section 4 TNWH Act. After filing charge sheet, the case was taken on file in C.C.No.92 of 2016, on the file of the learned Judicial Magistrate No.II, Virudhunagar, for the same offence.

4. It appears that parties viz., petitioner and the 2nd respondent / de facto complainant have settled their dispute amicably out of Court, at the instigation of the elders and well wishers and they have also entered into a compromise. A joint compromise memo signed by the parties concerned in the presence of their respective counsels is produced before this Court. As per the joint Compromise Memo, the de facto complainant has agreed to withdraw the criminal proceedings pending in C.C.No.92 of 2016 and the second respondent have requested this Court to quash the proceedings in C.C.No.92 of 2016, on the file of the learned Judicial Magistrate No.II, Virudhunagar.

5. The parties have appeared before this Court today and expressed in unequivocal terms that the Joint Compromise Memo was signed by them on their own 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. In the said circumstances, this Court is of the view that no useful purpose will be served by keeping this matter pending. Hence, on the basis of the compromise memo signed by the parties, the Criminal Original petition is allowed and the criminal proceedings pending in C.C.No.92 of 2016, on the file of the learned Judicial Magistrate No.II, Virudhunagar is quashed as against the petitioner is concerned. The Joint Compromise Memo signed by the parties shall form part of the order.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

ENCL: Xerox copy of Joint Compromise Memo

To

1. The Judicial Magistrate No.II



2.The Sub Inspector of Police,
Amathur Police Station,
Virudhunagar,

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

+1cc to Mr.R.Mohanasundaram, Advocate Sr.No.90392

TRP

VB/SV/MMS/SAR1/21/12/2017/3P/5C

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