



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDARCRL OP (MD) Nos.16541 & 16542 of 2017CRL.O.P.(MD)No.16541 of 2017

P.Chinnakaruppu

... Petitioner/Accused

Vs.

1. The State represented by,
The Inspector of Police,
Silaiman Police Station,
Madurai District.

... Respondent /Complainant

2. V.Mookaiya

... Respondent/ De-facto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for records on the file of the learned Judge, Mahila Court, Madurai, in C.C.No.193 of 2017 in Crime No.296 of 2017, dated 02.06.2017 and to quash the same as illegal and as devoid of merits.

For Petitioner

: Mr.P.Saravana Kumar

For R-1

: Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

For R-2

: Mr.M.Siddharthan

CRL.O.P.(MD)No.16542 of 2017

1. M.Selva Murugan

2. Mookaiya

3. Pethammal

4.Ramesh

... Petitioners/Accused Nos.1 to 4

Vs.

1.The State represented by,
The Inspector of Police,
Silaiman Police Station,
Madurai District.

... Respondent /Complainant

2. P.Chinnakaruppu

... Respondent/De-facto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for records in First Information Report in Crime No.229 of 2016, dated 12.06.2016 on the file of the first respondent police and to quash the same as illegal and devoid of merits.



For Petitioners
For R-1
For R-2

: Mr.M.Siddharthan
: Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.
: Mr.P.Saravana Kumar

COMMON ORDER

Criminal Original petition in Crl.O.P.(MD)No.16541 of 2017 is filed for quashing the Charge Sheet in C.C.No.193 of 2017 on the file of the learned Judge, Mahila Court, Madurai as illegal and as devoid of merits.

2. Criminal Original petition in Crl.O.P.(MD)No.16542 of 2017 is filed for quashing the First Information Report in Crime No.229 of 2016, dated 12.06.2016 on the file of the first respondent police as illegal and devoid of merits.

3. 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.

4. The petitioner in Crl.O.P.(MD)No.16541 of 2017 is the accused in Crime No.296 of 2017. The petitioners in Crl.O.P.(MD)No.16542 of 2017 are accused Nos.1 to 4 in Crime No.229 of 2016. The petitioner in Crl.O.P.(MD)No.16541 of 2017 and the accused in Crime No.296 of 2017 is the defacto complainant in Crime No.229 of 2016 and the second respondent in Crl.O.P.(MD) No.16542 of 2017. The second petitioner in Crl.O.P.(MD)No.16542 of 2017 is the second respondent in Crl.O.P.(MD)No.16541 of 2017 and the defacto complainant in Crime No.296 of 2017. This is a case of case and counter.

5. On the basis of the complaint lodged by the second respondent in Crl.O.P.(MD)No.16541 of 2017, a case was registered as against the petitioner in Crl.O.P.(MD)No.16541 of 2017 in Crime No.296 of 2017 for the alleged offences under Sections 294(b), 506 (ii) of I.P.C., and Section 4 of T.N.W.H. Act. Similarly, on the basis of the complaint lodged by the second respondent in Crl.O.P.(MD)No.16542 of 2017, a case was registered as against the petitioner in Crl.O.P.(MD)No.16542 of 2017, in Crime No.229 of 2016 for the alleged offences under Sections 294(b), 323, 324 and 506(ii) of I.P.C.

6. After filing of Charge Sheet, the case in Crime No.296 of 2017 was taken on file in C.C.No.193 of 2017 by the learned Judge, Mahila Court, Madurai, for the offences under Sections 294(b), 506 (ii) of I.P.C., and Section 4 of T.N.W.H. Act.

7. It appears that the parties, namely, the petitioners and the second respondent in both cases have settled their dispute amicably out of Court, at the intervention of the elders and relatives. It is stated that the parties also have entered into a compromise. Joint



Compromise Memos, dated 20.11.2017 and 02.09.2016 respectively, signed by the petitioners and the de-facto complainant in both cases in the presence of their respective counsels are produced before this Court. As per the Joint Compromise memos, the second respondent, namely, the defacto complainant in both the cases have agreed to withdraw the complaint and they have also agreed for quashing the Charge Sheet in C.C.No.193 of 2017 on the file of the learned Judge, Mahila Court, Madurai and the First Information Report in Crime No.229 of 2016 on the file of the first respondent police.

8. The parties, namely, the petitioners and the second respondent in both the cases appeared before this Court and expressed in unequivocal terms that they have signed the Joint Compromise Memos 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.

9. Having regard to the specific terms of the Joint Compromise Memos, this Court is of the view that no useful or fruitful purpose will be served by keeping these matters pending. Hence, on the basis of the Joint Compromise Memos signed by the parties, the Criminal Original petitions are allowed and the Charge Sheet in C.C.No.193 of 2017 on the file of the learned Judge, Mahila Court, Madurai and the First Information Report in Crime No.229 of 2016 on the file of the first respondent police, are quashed in *toto*. The Joint Compromise Memos signed by the parties shall form part of the order.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

Encl: Xerox copy of Compromise Memoes

1. The Judge,

Mahila Court, Madurai.

2. The Inspector of Police,

Silaiman Police Station, Madurai District.

3. The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.P.SARAVANA KUMAR Advocate in SR. No. 91794

+1cc to Mr.M.SIDDHARTHAN Advocate in SR. No. 91795

PMU

JS/SKN.RSK/SAR.1/03.01.2018/3P-6C

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