



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD) No.16851 of 2017

Muthumurugan

... Petitioner/ Sole Accused

-Vs-

1.The State represented by

The Sub-Inspector of Police,
Rameshwaram Temple Police Station,
Ramanathapuram District.

(In Crime No.84 of 2012)

...1st Respondent / Complainant

2. Bhagavathi

...2nd Respondent / De-facto complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in the case in P.R.C.No.18 of 2017 on the file of the District Munsif cum Judicial Magistrate Court, Rameshwaram, Ramanathapuram District and quash the same as illegal, abuse process of law.

For Petitioner

: Mr.G. Marimuthu

For R1

: Mr.K.S.Duraipandian

Additional Public Prosecutor

For R2

: Mr.S. Kumaravel

O R D E R

This Criminal Original Petition has been filed to call for the records in the case in P.R.C.No.18 of 2017 on the file of the District Munsif cum Judicial Magistrate Court, Rameshwaram, Ramanathapuram District and quash the same against the petitioner.

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 petitioner is the sole accused in the criminal proceedings in P.R.C.No.18 of 2017 on the file of the District Munsif cum Judicial Magistrate Court, Rameshwaram, Ramanathapuram District. The second respondent lodged a complaint as against the petitioner and the case was registered for the offences under section 436 of IPC.



4.It is stated that the dispute was purely civil in nature. It is alleged that the petitioner set fire to the hut of the second respondent and that the second respondent has suffered a loss of Rs.11,000/- (Rupees Eleven Thousand only).

5.It is stated that the parties have settled their dispute amicably out of Court and that the Defacto Complainant is fully compensated. Since the matter is settled out of court at the instigation of villagers and relatives, the parties states that this compromise itself was acted upon. The memo of compromise dated 04.12.2017, signed by the petitioner and the second respondent in the presence of the counsels, is produced before the court. As per the terms of Joint Compromise Memo, the second respondent has agreed to quash the criminal proceedings in P.R.C.No.18 of 2017 on the file of the District Munsif cum Judicial Magistrate Court, Rameshwaram, Ramanathapuram District.

6.Today, 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.

7.In view of 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 criminal proceedings in P.R.C.No.18 of 2017 on the file of the District Munsif cum Judicial Magistrate Court, Rameshwaram, Ramanathapuram District, is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order.

8.Accordingly, the Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

Enclosure : Joint Compromise Memo (Xerox Copy)

1.The District Munsif-Cum-Judicial Magistrate,
Rameshwaram.

<https://hccs.courts.gov.in/inspec>
2.The Sub-Inspector of Police,
Rameshwaram Temple Police Station,
Ramanathapuram District.



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

+1cc to M/S.G.M.Law Office, Advocate SR.No. 91448

CRL.O.P.(MD) No.16851 of 2017
07.12.2017

VSG/PNN
JM/SKN RSK/SAR 1/03.01.2018/3P/5C