



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.12.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD) No.17072 of 2017

1.Balasubramanian
2.Aathiyammal
3.Subbaiah
4.Sivakami
5.Kalaimani

... Petitioners/ Accused Nos.1,2,3,4 and 6

-Vs-

1.The State represented by,
The Sub Inspector of Police,
All Women Police Station,
Thiruppathur,
Sivagangai District.
(In Crime No.10 of 2015)

... 1st Respondent/ Complainant

2. Raj Kohila

... 2nd Respondent /Defacto Complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the entire records in relation to the criminal case in C.C.No.96 of 2016 on the file of the learned District Munsif cum Judicial Magistrate, Thiruppathur, Sivagangai District and to quash the same.

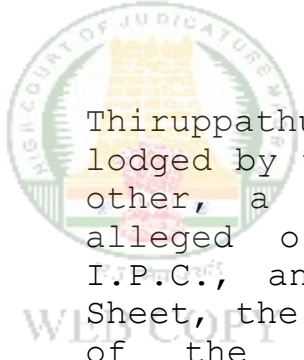
For Petitioners	: Mr.S.Vinayagam
For R-1	: Mr.K.S.Durai Pandiyan, Additional Public Prosecutor.
For R-2	: Mr.R.Kathiresan Perumal

O R D E R

This Criminal Original Petition is filed for quashing the Charge Sheet in C.C.No.96 of 2016 on the file of the learned District Munsif cum Judicial Magistrate, Thiruppathur, Sivagangai District.

2. 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.

<https://hcservices.courts.gov.in/hcservices> 3. It is stated that the petitioners are accused Nos.1 to 4 and 6 in the criminal proceedings in C.C.No.96 of 2016 pending on the file of the learned District Munsif cum Judicial Magistrate,



Thiruppathur, Sivagangai District. On the basis of the complaint lodged by the second respondent as against the petitioners and one other, a case was registered in Crime No.10 of 2015 for the alleged offences punishable under Sections 498(A), 506(ii) of I.P.C., and Section 4 of T.N.P.W.H. Act. After filing Charge Sheet, the case was taken on file in C.C.No.96 of 2016 on the file of the learned District Munsif cum Judicial Magistrate, Thiruppathur, Sivagangai District, for the same offences.

4. The first petitioner is the husband and the second respondent is the wife and the other petitioners are the in-laws of the second respondent. It is stated that the first petitioner and the second respondent have united and that they are living together as husband and wife. It appears that the parties have settled their dispute amicably out of Court at the intervention of relatives and elders. It is stated that they have also entered into a compromise. A Joint Compromise Memo, dated 01.11.2017 signed by the petitioners and the second respondent in the presence of their respective Counsels, is produced before this Court. As per the Joint Compromise Memo, the second respondent has agreed for quashing the Charge Sheet in C.C.No.96 of 2016 on the file of the learned District Munsif cum Judicial Magistrate, Thiruppathur, Sivagangai District.

5. Except the fifth accused, the other accused, namely, the petitioners and the second respondent appeared before this Court and expressed in unequivocal terms that they have signed the Joint Compromise Memo on their own free will and volition. Though the fifth accused is not present and he is not a party on account of his employment in abroad, the learned counsel appearing for the second respondent submitted that the second respondent has no objection of quashing the proceedings against all the accused. 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 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 Original petition is allowed and the Charge Sheet in C.C.No.96 of 2016 on the file of the learned District Munsif cum Judicial Magistrate, Thiruppathur, Sivagangai District, is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order.

Sd/-

Assistant Registrar (CS-I)



To

Enclosure : The Joint Compromise Memo (Xerox Copy)

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

2.The Sub Inspector of Police,
All Women Police Station,
Thiruppathur, Sivagangai District.

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

+1cc to M/S.M.S.JeyaKarthik, Advocate SR.No. 92250

CRL.O.P.(MD) No.17072 of 2017
12.12.2017

PMU

JM/SV MMS/SAR 1/18.01.2018/3P/5C