



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2017

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

Crl.O.P.(MD) Nos. 17095 and 17096 of 2017

Crl.O.P.(MD) No. 17095 of 2017

1.Nagamalai

2.Kalaiyarasan

3.Kittu @ Chithiraivelu ...Petitioners/Accused No.1 to 3

-Vs-

1. The State represented by,  
The Inspector of Police,  
Bazaar Police Station,  
Ramanathapuram District.

(In Crime No.652 of 2009) ...1<sup>st</sup> Respondent/Complainant

2.Ayyappan

... 2<sup>nd</sup> Respondent/De-facto  
Complainant

**Prayer:** Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in S.C.No.47 of 2010 pending on the file of the Additional Sessions Court, Ramanathapuram and quash the same.

For Petitioners :Mr.J.M.Hassanul Bazari

For R-1 :Mr.K.S.Duraipandian

Additional Public Prosecutor

For R-2 :Mr.T.Amjadkhan

Crl.O.P.(MD) Nos. 17096 of 2017

1.Ayyappan

2.Kumar

3.Sundaram

...Petitioners/Accused No.1 to 3

-Vs-

Kittu

... Respondent / Complainant

**Prayer:** Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C No. 121 of 2010 pending on the file of the learned Judicial Magistrate No. I, Ramanathapuram and quash the same.



For Petitioners :Mr.T.Amjadkhan

For Respondent :Mr.J.M.Hassanul Bazari

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**COMMON ORDER**

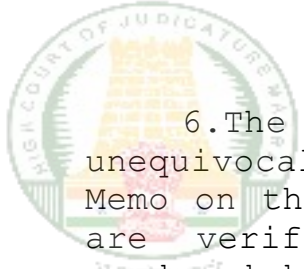
The Criminal Original Petition in Crl.O.P(MD) No.17095 of 2017 has been filed to call for the record in S.C.No.47 of 2010 pending on the file of the Additional Sessions Court, Ramanathapuram and quash the same.

2.The Criminal Original petition in Crl.OP(MD) No.17096 of 2017 has been filed to call for the records in C.C No. 121 of 2010 pending on the file of the learned Judicial Magistrate No. I, Ramanathapuram and quash the same.

3.The petitioners in Crl.OP(MD) No.17095 of 2017 are the accused Nos.1 to 3 in Crime No.652 of 2009 and similarly the petitioners in Crl.O.P(MD) No.17096 of 2017 are the accused Nos.1 to 3 in Crime No.653 of 2009. The first petitioner in Crl.O.P(MD) No.17096 of 2017 is the de-facto complainant in Crime No.652 of 2009. The third petitioner in Crl.O.P(MD)No.17095 of 2017 is the de-facto complainant in Crime No.653 of 2009.

4.The complaint in Crime No.652 of 2009 was registered for the offences punishable under Sections 341, 294(b) and 301 of IPC, on the file of the respondent police. After filing the charge sheet, the case was taken on file by the Additional Sessions Court, Ramanathapuram in S.C.No.47 of 2010 for offences under Sections 341, 294(b) and 307 of IPC. The complaint in Crime No.653 of 2009 was registered but later closed as mistake of fact. Thereafter private complaint was filed and the case was taken on file by the learned Judicial Magistrate No. I, Ramanathapuram in C.C.No.121 of 2010.

5.It appears that on the advise of the elders and friends, the petitioners and second respondent in both the cases have agreed to compromise the matter, out of Court. A Joint Compromise Memos, dated 05.12.2017, are also filed to that effect. As per the Joint Compromise Memos, the de-facto complainant, namely, the second respondent, in both cases, have given their consent to quash the entire proceedings in S.C.No.47 of 2010 on the file of the Additional Sessions Court, Ramanathapuram and C.C.No.121 of 2010 on the file of the learned Judicial Magistrate No. I, Ramanathapuram.



6.The parties appeared before this Court and expressed in unequivocal terms that they have signed in the Joint Compromise Memo 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.

7.In view of 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, the criminal proceedings in S.C.No.47 of 2010 on the file of the Additional Sessions Court, Ramanathapuram and C.C.No.121 of 2010 on the file of the learned Judicial Magistrate No. I, Ramanathapuram, are quashed in *toto*. The Joint Compromise Memos signed by the parties shall form part of the order.

8.Accordingly, these Criminal Original Petition are allowed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

Encl: Xerox copy of Joint Compromise Memos

To

1. The Additional Sessions Court,  
Ramanathapuram.
2. The Judicial Magistrate No. I,  
Ramanathapuram.
3. The Inspector of Police,  
Bazaar Police Station,  
Ramanathapuram District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+2cc to Mr.J.M.Hassanul Bazari, Advocate Sr.No.92603,92602

CMR

VB/KKR/SAR1/02.02.2018/3P/7C