



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2017

CORAM

WEB COPY

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

Crl.O.P.(MD) No.17187 of 2017

1.Maheswari
2.Gangadevi
3.Thirumal

... Petitioner / A2, A4 and A5

-Vs-

1.State
rep. by the Sub Inspector of Police,
Keelavalavu Police Station,
Melur Taluk,
Madurai District.
(Crime No.162 of 2008)

... 1st Respondent/Complainant

K.Mathavan (died)
2. M.Chokkammal

... Defacto complainant
...2nd Respondent/P.W.No.2

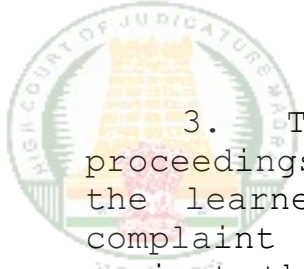
Prayer: Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the impugned final report dated 19.02.2009 in C.C.No.70 of 2009 on the file of the learned Judicial Magistrate, Melur and quash the same.

For Petitioners	:	Mr.M.Balakrishnan
For R-1	:	Mr.K.S. Duraipandian Additional Public Prosecutor
For R-2	:	M/s. D. Farjana Ghoushia

O R D E R

This Criminal Original petition is filed to call for the records relating to the impugned final report, dated 19.02.2009 made in C.C.No.70 of 2009 on the file of the learned Judicial Magistrate, Melur and quash the same.

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



3. The petitioners are accused no.2, 4 and 5 in criminal proceedings in C.C.No.70 of 2009, on the file of the the file of the learned Judicial Magistrate, Melur. On the basis of the complaint lodged by the husband of the second respondent, as against the petitioners and others, a case was registered by the first respondent police in Crime No.162 of 2008, for the offences under Sections 147,148,341, 324, 323, 326, 427 and 506 (ii) of IPC. After filing charge sheet, the case was taken on file in C.C.No.70 of 2009, on the file of the the learned Judicial Magistrate, Melur, for the same offence.

4. It is stated first accused is the son of the second respondent and A3 is the father-in-law of the first accused. Since A1, A3 and de facto complainant are no more, they are not added as parties. The parties viz., petitioners and the second respondent 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.70 of 2009 and the second respondent have requested this Court to quash the proceedings in C.C.No.70 of 2009, on the file of the file of the the learned Judicial Magistrate, Melur.

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.70 of 2009, on the file of the the learned Judicial Magistrate, Melur is quashed in toto. The Joint Compromise Memo signed by the parties dated 12.12.2017 shall form part of the order.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar



To

1. The Sub Inspector of Police,
Keelavalavu Police Station,
Melur Taluk,
Madurai District.

2. The Judicial Magistrate, Melur.

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

+1cc to Mr.M.Balakrishnan, Advocate Sr.No.92851

+1cc to M/s. D. Farjana Ghouskia, Advocate Sr.No.92791

TRP

VB/KK/SAR2/22/01/2018/3P/6C

CrI.O.P.(MD) No.17187 of 2017

14.12.2017