



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.17189 of 2017

1. Pandi
 2. Kanagavalli
 3. S.P.Arumugam
 4. Subbu
 5. Auto Rasu
- ... Petitioners/Accused Nos.1, 2, 5, 6 & 8

Vs.

- 1.The State represented by,
The Inspector of Police,
District Crime Branch,
Sivagangai District.
(Crime No.5 of 2012)
- ... Respondent /Complainant

2. Vasuki
- ... Respondent/De-facto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the Charge Sheet in C.C.No.125 of 2015 before the learned Judicial Magistrate No.II, Sivagangai and to quash the same.

For Petitioners : Mr.M.Subash Babu

For R-1 : Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

For R-2 : Mr.R.Sundar Sreenivasan

O R D E R

This Criminal Original petition is filed for quashing the Charge Sheet in C.C.No.125 of 2015 before the learned Judicial Magistrate No.II, Sivagangai.

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.



3. The petitioners are accused Nos.1,2,5,6 and 8 in C.C.No.125 of 2015 on the file of the learned Judicial Magistrate No.II, Sivagangai. On the basis of the complaint lodged by the second respondent/de-facto complainant, a case was registered in Crime No.5 of 2012, dated 02.02.2012, for the alleged offences under Sections 147, 148, 341, 294(b), 427, 506(ii), 379, 467, 468 and 420 of I.P.C.

4. After filing Charge Sheet, the case was taken on file in C.C. No.125 of 2015 on the file of the learned Judicial Magistrate No.II, Sivagangai, for the alleged offences under Sections 147, 148, 341, 294(b), 506(ii), 379, 467, 468 and 420 of I.P.C., @ 148, 468, 420, 294(b) and 506(ii) of I.P.C.

5. It appears that the parties, namely, the petitioners and the second respondent have settled their dispute amicably out of Court, at the intervention of elders and relatives. It is stated that the parties also have entered into a compromise. A Joint Compromise Memo, dated 28.11.2017, signed by the petitioners and the de-facto complainant in the presence of their respective counsels is produced before this Court. As per the Joint Compromise memo, the defacto complainant has agreed for quashing the Charge Sheet in C.C.No.125 of 2015 on the file of the learned Judicial Magistrate No.II, Sivagangai in respect of the petitioners herein.

6. The parties, 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. 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. Having regard to 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, on the basis of the Joint Compromise Memo signed by the parties, the Criminal Original petition is allowed and the Charge Sheet in C.C.No.125 of 2015 on the file of the learned Judicial Magistrate No.II, Sivagangai, is quashed in so far as the petitioners are concerned. The Joint Compromise Memo signed by the parties shall form part of the order.

Sd/-

Assistant Registrar(CS-III)

/True Copy/



To

Encl: Xerox copy of compromise memo

1. The Inspector of Police,
District Crime Branch,
Sivagangai District.

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

+ 1 cc TO Mr.R.Sundar Srinivasan , Advocate in SR No. 92850

+ 1 cc TO Mr.M.Subash Babu , Advocate in SR No. 92881

pmu

AE/MR/SAR1/17.01.2018/3P/5C

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