



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2017

CORAM

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

**Crl.O.P. (MD) Nos.17198 and 17047 of 2017**

**Crl.O.P. (MD) No.17198 of 2017**

M.Kandhasamy

...Petitioner / Accused

Vs.

1.State rep. by  
The Sub Inspector of Police,  
Mukkudal Police Station,  
Thirunelveli District.  
(Crime No.199 of 2014)

2. J. Amuthua

...Respondents

**Crl.O.P. (MD) No.17047 of 2017**

1.S.Justin Thiraviam  
2.K.Saathappan  
3.N.Suresh

...Petitioners

Vs.

1. The state rep. by  
The Sub Inspector of Police,  
Mukkudal Police Station,  
Thirunelveli District.  
(Crime No.200 of 2014)

2.M. Kandasamy

...Respondents

**Prayer in Crl.O.P(MD).No.17198 of 2017.:** Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to C.C.No.139 of 2015 on the file of the learned Judicial Magistrate, Cheranmahadevi, Thirunelveli District and quash the proceedings as against the petitioner.

**Prayer in both Crl.O.P(MD).No.17047 of 2017.:** Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to C.C.No.11 of 2017 on the file of the learned Judicial Magistrate, Cheranmahadevi, Thirunelveli District and quash the proceedings as against the petitioners herein.



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For Petitioners : Mr. J. Ashok  
in Crl.O.P(MD).No.17198/2017  
Mr.S.R.A. Ramachandran  
in Crl.O.P(MD).No.17047/2017  
For R-1 : Mr.K.S. Duraipandian  
Additional Public Prosecutor  
in both O.Ps.  
For R2 : Mr.S.R.A. Ramachandran  
in Crl.O.P(MD).No.17198/2017  
Mr.J.Ashok  
in Crl.O.P(MD).No.17047/2017

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**COMMON ORDER**

The Criminal Original petition in Crl.O.P(MD).No.17198 of 2017 is filed, to call for the records pertaining to C.C.No.139 of 2015, on the file of the learned Judicial Magistrate, Cheranmahadevi, Thirnelveli District and quash the proceedings as against the petitioner.

The Criminal Original petition in Crl.O.P(MD).No.17047 of 2017 is filed, to call for the records pertaining to C.C.No.11 of 2017 on the file of the learned Judicial Magistrate, Cheranmahadevi, Thirnelveli District and quash the proceedings as against the petitioners herein.

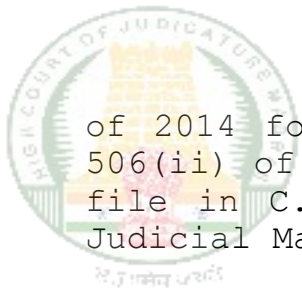
2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent and the learned counsel appearing for the second respondent in both the Criminal Original Petitions.

3. The petitioner in Crl.O.P(MD).No.17198 of 2017 is the sole accused in C.C.No.139 of 2015. Similarly, the petitioners 1 to 3 in Crl.O.P(MD).No.17047 of 2017 are the accused nos. 1 to 3 in C.C.No.11 of 2017. Both the cases are pending before the learned Judicial Magistrate, Cheranmahadevi, Thirnelveli District. The second respondent, de facto complainant in Crl.O.P.(MD).No.17047 of 2017 (C.C.No.11 of 2017) is the sole accused in Crl.O.P(MD).No.17198 of 2017 (C.C.No.139 of 2015).

4. Based on the complaint lodged by the second respondent in Crl.O.P(MD).No.17198 of 2017, a case was registered in Crime No.199 of 2014 for the offences under Sections 294(b) of IPC r/w. Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002 (TNPWH Act) and after filing charge sheet, the case was taken on file in C.C.No.139 of 2015 on the file of the learned Judicial Magistrate, Cheranmahadevi, Thirnelveli District.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Based on the complaint lodged by the second respondent in Crl.O.P(MD).No.17047 of 2017, a case was registered in Crime No.200



of 2014 for the offences under Sections 448, 294(B), 353, 323 and 506(ii) of IPC and after filing charge sheet, a case was taken on file in C.C.No.11 of 2017 on the file of the of the learned Judicial Magistrate, Cheranmahadevi, Thirunelveli District

6. It appears that parties viz., petitioners and the de facto complainant in both the cases have settled their dispute amicably out of Court, at the instigation of the elders and well wishers. Both the petitioners and the de facto complainant have entered into a compromise and a joint compromise memo signed by the respective parties in the presence of their respective counsels have been produced before this Court. As per the joint compromise memos, the second respondent viz., de facto complainant in the both the cases have no objection for quashing the criminal proceedings in C.C.Nos.139 of 2015 and 11 of 2017, on the file of the of the learned Judicial Magistrate, Cheranmahadevi, Thirunelveli District.

7. The parties are present before this Court and expressed in unequivocal terms that the Joint Compromise Memos signed by them were 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 in both the cases.

8. In view of the Compromise Memos signed by the parties, this Court is of the view that no useful purpose will be served by keeping these matters pending. Hence, the Criminal Original petitions are allowed and the proceedings in C.C.Nos.139 of 2015 and 11 of 2017, on the file of the of the learned Judicial Magistrate, Cheranmahadevi, Thirunelveli District are quashed in *toto*, on the basis of the compromise memos signed by the parties concerned before this Court. The Joint Compromise Memos signed by the parties shall form part of the order.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

Encl: Xerox copy of the Joint Compromise Memos signed by the parties shall form part of the order.

To

1. The Sub Inspector of Police,  
Mukkudal Police Station,  
Thirunelveli District.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The Judicial Magistrate,  
Cheranmahadevi, Thirunelveli District.



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

Trp

MV:GT:SAR3:12/01/2018/3P/4C

**Crl.O.P. (MD) Nos.17198 and 17047 of 2017**  
**21.12.2017**