



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD) No.17342 of 2017

WEB COPY

Subbiah

: Petitioner/Sole Accused

-Vs-

1.The State represented by

The Inspector of Police,
Thoothukudi Central Police Station,
Thoothukudi.

(in Crime No.532 of 2016)

: 1st Respondent / Complainant

2.Madasamy

:2nd Respondent/De-facto Complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records pertaining to C.C.No.344 of 2016 on the file of the learned Judicial Magistrate No.II, Thoothukudi and quash the proceedings as against the petitioner herein.

For Petitioner

: Mr.S.Dheenadhayalan

For R1

: Mr.K.S.Duraipandian

Additional Public Prosecutor

For R2

: Mr.T.Sathiyanathan

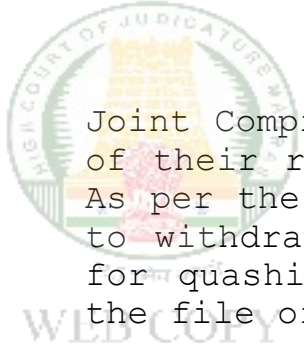
O R D E R

This Criminal Original Petition has been filed to call for records pertaining to C.C.No.344 of 2016 on the file of the learned Judicial Magistrate No.II, Thoothukudi and quash the same.

2.Heard the learned Counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the first respondent and the learned Counsel appearing for the second respondent.

3.The petitioner is sole accused in Cr.No.532 of 2016 on the file of the Inspector of Police, Thoothukudi Central Police Station, Thoothukudi District. Based on the complaint lodged by the second respondent, the case was registered in Crime No.532 of 2016 for the offences punishable under Sections 294(b), 387 and 506(ii) of IPC. After filing the charge sheet, the case was taken on file in C.C.No.344 of 2016 by the learned Judicial Magistrate No.II, Thoothukudi.

4.After registration of the complain It appears that the [~~hcserviceposts.gov.in/home/~~](https://hcserviceposts.gov.in/home/) the petitioner and the second respondent have settled their dispute amicably out of Court, at the intervention of elders and relatives and a compromise was also reached. A



Joint Compromise Memo, signed by both the parties, in the presence of their respective Counsels, is also produced before this Court. As per the Joint Compromise Memo, the second respondent has agreed to withdraw the complaint and expressed that he has no objection for quashing the criminal case in C.C.No.344 of 2016 pending on the file of the learned Judicial Magistrate No.II, Thoothukudi.

5.Today, the parties 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.

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 case in C.C.No.344 of 2016 pending on the file of the learned Judicial Magistrate No.II, Thoothukudi., is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order. Accordingly, the Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

Enclosure : The Joint Compromise Memo (Xerox Copy)

1.The Judicial Magistrate No.II, Thoothukudi.

2.The Inspector of Police,
Thoothukudi Central Police Station,
Thoothukudi.

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

+1cc to M/S.S.Dheenadhayalan, Advocate SR.No. 93424

CRL.O.P. (MD) No.17342 of 2017

CMR