



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD) No.17505 of 2017

M.Senthil Kumar

:Petitioner/Sole Accused

-Vs-

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

:1st Respondent/ Complainant

2.Velu

:2nd Respondent/Defacto complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.No.79 of 2017 in Crime No.68 of 2017 under Sections 341, 294(b), 387 & 506 (i) of IPC pending on the file of the learned Judicial Magistrate No.II, Thoothukudi and quash the same.

For Petitioner

: Mr.R.Aravindraaj

For R1

: Mr.K.S.Duraipandian
Additional Public Prosecutor

For R2

:Mr.R.Senthil Prabhakar

O R D E R

The Criminal Original Petition has been filed to call for the records in C.C.No.79 of 2017 in Crime No.68 of 2017 under Sections 341, 294(b), 387 & 506(i) of IPC pending 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 the sole accused in the criminal case in C.C.No.79 of 2017 pending on the file of the learned Judicial Magistrate No.II, Thoothukudi. Based on the complaint lodged by the first respondent, a case was registered in Cr.No.68 of 2017, by the first respondent police, for the offences punishable under Sections 341, 294(b), 387 and 506(i) of IPC. After filing the



charge sheet, the case was taken on file in C.C.No.79 of 2017 by the learned Judicial Magistrate No.II, Thoothukudi.

4.It appears that on the advice of friends and elders, the parties have settled their dispute amicably out of Court and they have also entered into compromise. A Joint Compromise Memo, signed by both parties, in the presence of their respective Counsels, is also filed. As per the Joint Compromise Memo, the de-facto complainant, namely, the second respondent has agreed to quash the criminal proceedings in C.C.No.79 of 2017 by the learned Judicial Magistrate No.II, Thoothukudi.

5.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 Government Advocate (Criminal side) through the first respondent police.

6.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, the criminal proceedings in C.C.No.79 of 2017 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.

7.Accordingly, the Criminal Original petition is allowed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

Herewith enclosed the xerox copy of Joint Compromise Memo

To

1.The Judicial Magistrate No.II, Thoothukudi

2.Do Thro' The Chief Judicial Magistrate No.II, Thoothukudi.

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

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

+1CC to Mr.R.Aravind Raj, Advocate, SR.No. 93801