



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2017

CORAM

WEB COPY

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

Crl.O.P.(MD) No.17579 of 2017

1.Manikandan
2.Sathiesh @ Ramasamy
3.Chelliah ... Petitioner / accused nos.1 to 3

-Vs-

1. The Deputy Superintendant of Police,
Devakottai, Sivagangai District.

2.The Inspector of Police,
Aravayal Police Station,
Sivagangai District.
(Crime No. 66 of 2004) ... Respondents 2 & 3 /Complainant

3.Karuna @ Karunanidhi ... 3rd respondent / De facto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records connected in PRC.No.10 of 2004 on the file of the learned Judicial Magistrate, Devakottai, Sivagangai District and quash the same as against the petitioners.

For Petitioners : Mr.S.M. Sanjay
For R-1 : Mr.K.S. Duraipandian
Additional Public Prosecutor
For R-2 : Mr.D. Palanikumar

O R D E R

This Criminal Original petition is filed to call for the records connected in PRC.No.10 of 2004 on the file of the learned Judicial Magistrate, Devakottai, Sivagangai District and quash the same as against the petitioners.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.



3. The petitioners are the accused nos.1 to 3 in Criminal Proceedings in PRC. No. 10 of 2004, on the file of the learned Judicial Magistrate, Devakottai, Sivagangai District. On the basis of the complaint lodged by the third respondent / de facto complainant, a case was registered by the second respondent police in Crime No.66 of 2004 for the offences under Sections 323 of IPC and Section 3(1)(x) of SC/ST Act, against the petitioners. Thereafter, the first respondent police has filed a charge sheet before the learned Judicial Magistrate, Devakottai, Sivagangai District, and the same was taken on file in PRC. No. 10 of 2004 .

4. It appears that parties viz., petitioners and the third respondent / de facto complainant 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.

5. As per the joint compromise memo, the petitioners and the third respondent, who have appeared before this Court have stated in unequivocal terms that the Joint Compromise Memo was signed by them on their own will and volition. The identities 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 Compromise Memo, the de facto complainant has agreed to withdraw the criminal case and the petitioners and the second respondent have requested this Court to quash the proceedings in PRC. No. 10 of 2004 on the file of the learned Judicial Magistrate, Devakottai, Sivagangai District.

7. 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 proceedings pending in PRC. No. 10 of 2004 on the file of the learned Judicial Magistrate, Devakottai, Sivagangai District is quashed as against the petitioners concerned. The Joint Compromise Memo, dated 13.12.2017 signed by the parties shall form part of the order.

Sd/-

Assistant Registrar(AS)

/True Copy/



To

Encl : Xerox copy of compromise memo

1. The Deputy Superintendant of Police,
Sivagangai District.
2. The Inspector of Police,
Aravayal Police Station,
Sivagangai District.
3. The Judicial Magistrate,
Devakottai, Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 cc TO Mr.S.M.Sanjay , Advocate in SR No. 94273

trp

AE/SV MMS/SAR1/19.01.2018/3P/6C

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