



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2017

CORAM

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

Crl.O.P.(MD) No.17588 of 2017

1.Johnson
2.Samuvel
3.Ebanesar
4.Suresh @ Suresh Mani ... Petitioner / accused 1 to 4

-Vs-

1. State rep. by
The Inspector of Police,
Kulathur Police Station,
Thoothukudi District. ... 1st Respondent /Complainant

2.Lakshmanan ... 2nd respondent / De facto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertains to the proceedings in PRC.No.25 of 2017, on the file of the learned Judicial Magistrate, Vilathikulam and quash the same as illegal and arbitrary.

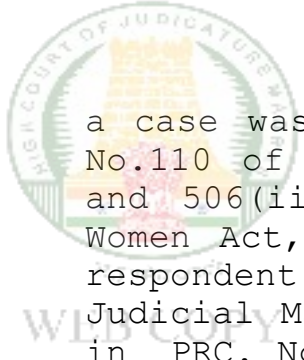
For Petitioners : Mr. V. Nirmalkumar
For R-1 : Mr.K.S. Duraipandian
Additional Public Prosecutor
For R-2 : M/s.T.K.Akalya

O R D E R

This Criminal Original petition is filed to quash the charge sheet in PRC. No. 25 of 2017 on the file of the learned Judicial Magistrate, Vilathikulam, and quash the same.

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 the accused nos.1 to 4 in Criminal Proceedings in PRC. No. 25 of 2017, on the file of the the learned Judicial Magistrate, Vilathikulam. On the basis of the complaint lodged by the second respondent / de facto complainant,



a case was registered by the first respondent police in Crime No.110 of 2017 for the offences under Sections 294(b), 323, 307 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Women Act, 2002, against the petitioners. Thereafter, the first respondent police has filed a charge sheet before the learned Judicial Magistrate, Vilathikulam, and the same was taken on file in PRC. No. 25 of 2017 .

4. It appears that parties viz., petitioners and the second 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 second 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. 25 of 2017 on the file of the learned Judicial Magistrate, Vilathikulam.

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. 25 of 2017 on the file of the learned Judicial Magistrate, Vilathikulam is quashed in toto. The Joint Compromise Memo dated 14.12.2017 signed by the parties shall form part of the order.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

Encl: Xerox copy of compromise memo

<https://hcservices.hc.mys/judicialservices/> of Police,

Kulathur Police Station,

Thoothukudi District.



2. The Judicial Magistrate, Vilathikulam

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

+ 1 cc TO Mr.V.Nirmal Kumar , Advocate in SR No. 94655

trp

AE/MR/SAR4/22.01.2018/3P/5C

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