



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.17627 and 17741 of 2017

Crl.O.P. (MD) No.17627 of 2017

1.Suresh
2.Ramesh Babu
3.Ajay @ Aji
4.Vino @ Vino Anand
5.Roke @ Justus Roke
6.Prabin
7.Abilash @ Sonish
8.Arvin
9.Rejith
10.Peter @ John Peter : Petitioners / accused nos.1to10

Vs.

1.State rep. by the Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

2.Sajin : Respondents

Crl.O.P. (MD) No.17741 of 2017

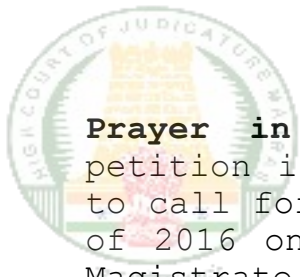
1.Jerome
2.Joyal
3.Sajin
4.Anto Kingsly
5.Selvathurai @ Chelladurai : Petitioners / A3, A5 to A8

Vs.

1.The State rep. by
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

2.Ajay : Respondents

Prayer in Crl.O.P(MD).No.17627 of 2017: Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to call for the records in relation to the Charge Sheet in S.C.No.228 of 2016 on the file of the Additional Sessions Judge Cum Sub Court, Padmanabhapuram, dated 07.10.2015 and quash the same.



Prayer in both Crl.O.P(MD).No.17741 of 2017: Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to call for the records in relation to the Charge Sheet in PRC.No.14 of 2016 on the file of the Principal District Munsif Cum Judicial Magistrate, Eraniel, dated 07.10.2015 and quash the same.

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For Petitioners: Mr.P. Velmurugan
in Crl.O.P(MD).No.17741/2017
Mr.T.Arul
in Crl.O.P(MD).No.17627/2017

For R-1 : Mr.K.S. Duraipandian
Additional Public Prosecutor
in both O.Ps.

For R2 : Mr.T. Arul
in Crl.O.P(MD).No.17741/2017
Mr.P. Velmurugan
in Crl.O.P(MD).No.17627/2017

C O M M O N O R D E R

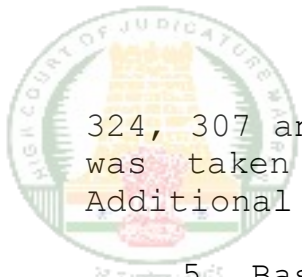
The Criminal Original petition in Crl.O.P(MD).No.17627 of 2017 is filed, to call for the records in relation to the Charge Sheet in S.C.No.228 of 2016 on the file of the Additional Sessions Judge Cum Sub Court, Padmanabhapuram, dated 07.10.2015 and quash the same.

The Criminal Original petition in Crl.O.P(MD).No.17741 of 2017 is filed, to call for the records in relation to the Charge Sheet in PRC.No.14 of 2016 on the file of the Principal District Munsif Cum Judicial Magistrate, Eraniel, dated 07.10.2015 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 in both the Criminal Original Petitions.

3. The petitioners in Crl.O.P(MD).No.17741 of 2017 are the accused nos. 3, 5 to 8 in PRC.No.14 of 2016, on the file of the Principal District Munsif Cum Judicial Magistrate, Eraniel. Similarly, the petitioners in Crl.O.P(MD).No.17627 of 2017 are the accused Nos. 1 to 10 in S.C.No.228 of 2016 on the file of the learned Additional Sessions Judge Cum Sub Court, Padmanabhapuram. The third petitioner in Crl.O.P(MD).No.17627 of 2017 is the de facto complainant and the second respondent in Crl.O.P(MD).No.17741 of 2017. Similarly, third petitioner in Crl.O.P(MD).No.17741 of 2017 is the de facto complainant in Crl.O.P(MD).No.17627 of 2017. This is a case of case in counter.

4. Based on the complaint lodged by the second respondent in Crl.O.P(MD).No.17627 of 2017, a case was registered in Crime No.875 of 2014 for the offences under Sections 147,148,341, 294(b), 323,



324, 307 and 506(ii) of IPC and after filing charge sheet, the case was taken on file in S.C.No.228 of 2016 on the file of the Additional Sessions Judge Cum Sub Court, Padmanabhapuram,

5. Based on the complaint lodged by the second respondent in CrI.O.P(MD).No.17741 of 2017, a case was registered in Crime No.876 of 2014 for the offences under Sections 147, 148, 341, 294(b), 323, 324, 307 and 506(ii) of IPC and after filing charge sheet, a case was taken on file in PRC.No.14 of 2016 on the file of the Principal District Munsif Cum Judicial Magistrate, Eraniel.

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 memos signed by the respective parties in the presence of their respective counsels have been produced before this Court. As per the joint compromise memo, the second respondent viz., de facto complainant in the both the cases have no objection for quashing the criminal proceedings in S.C.No.228 of 2016 and PRC.No.14 of 2016 pending on the file of the Additional Sessions Judge Cum Sub Court, Padmanabhapuram and Principal District Munsif Cum Judicial Magistrate, Eraniel respectively.

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 S.C.No.228 of 2016 and PRC.No.14 of 2016 on the file of the Additional Sessions Judge Cum Sub Court, Padmanabhapuram and Principal District Munsif Cum Judicial Magistrate, Eraniel respectively are quashed in respect of the petitioners concerned, on the basis of the compromise memos signed by the parties before this Court. The Joint Compromise Memos signed by the parties shall form part of the order.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar



To

(Encl. Xerox copy of Joint Compromise Memo)

WEB COPY

1. The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
2. The Additional Sessions Judge Cum Sub Court,
Padmanabhapuram.
3. The Principal District Munsif Cum Judicial Magistrate,
Eraniel.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.P.VELMURUGAN, Advocate SR.No.94369.

+1cc to M/S.T.ARUL, Advocate SR.No.94370.

Crl.O.P. (MD) Nos.17627 and 17741 of 2017
21.12.2017

trp

SDS/SKN:RSK/SAR 4/04.01.2018/4P/7C