



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2017

CORAM

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THE HON'BLE MR.JUSTICE S.S.SUNDARCr1.O.P.(MD) No.17637 of 2017

1.S.Sulthan
2.S.Saburabivee
3.S.Abbas
4.S.Samsutheen
5.M.Mariam Bivee
6.A.Hakkim @ Hakkim Basha ... Petitioners/Accused Nos.1 to 6

-Vs-

1. State rep. by
The Inspector of Police,
Tallakulam All Women Police Station,
Tallakulam,
Madurai. (Crime No.35 of 2016) ... 1st Respondent/
Dejure Complainant

2.S. Sulaika Bivee ... 2nd respondent / De facto Complainant

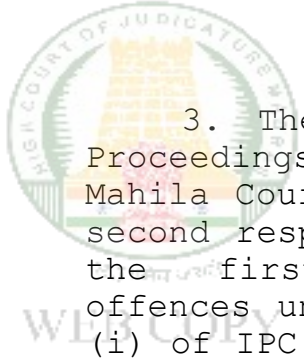
Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the entire records connected with the case in C.C.No.196 of 2017 pending on the file of the Additional Mahila Court, Madurai and quash the same.

For Petitioners	:	Mr. L.Sabeer Mohamed
For R-1	:	Mr.K.S. Duraipandian
		Additional Public Prosecutor
For R-2	:	Mr.V.A. Dhana Aravintha Balaji

O R D E R

This Criminal Original petition is filed to call for the entire records connected with the case in C.C.No.196 of 2017 pending on the file of the Additional Mahila Court, Madurai 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 6 in Criminal Proceedings in C.C.No. 196 of 2017, on the file of the Additional Mahila Court, Madurai. 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.35 of 2016 for the offences under Sections 294(b), 323, 341, 426, 434, 498(A) and 506 (i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, against the petitioners. Thereafter, the first respondent police has filed a charge sheet before the Additional Mahila Court, Madurai, and the same was taken on file in C.C.No. 196 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 C.C.No. 196 of 2017 on the file of the Additional Mahila Court, Madurai.

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 C.C.No. 196 of 2017 on the file of Additional Mahila Court, Madurai is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order.

Sd/-
Assistant Registrar (CSIII)

/True Copy/

Sub-Assistant Registrar



(*) **JOINT COMPROMISE MEMO XEROX COPY IS ENCLOSED HERewith**

WEB COPY

To

1.The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai.

2.The Additional Mahila Court (Judicial Magistrate),
Madurai.

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

+One cc to M/s.I.Sabeer Mohammed, Advocate, SR.No.94402

+One cc to M/s.Dhana Law Associates, Advocate, SR.No.94637

trp

RL/6C/3P/KK/SAR2/17/1/2018

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