



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.12.2017
CORAM

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

Cr1.O.P. (MD) No.17645 of 2017

1.P.Jayaseelan
2.Esthar Sathiya
3.P.Rajasingh
4.Stella
5.Christya Sumathi
6.Raja Samjan
7.Neethirajan

... Petitioners/accused nos.1, 3 to 7

-Vs-

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

... 1st Respondent /Complainant

2.P. Jenifer

... 2nd respondent / De facto Complainant

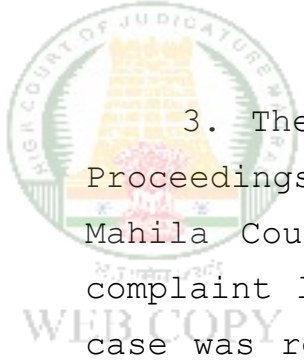
Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records of C.C.No.101 of 2017 pending on the file of the Additional Mahila Court (Judicial Magistrate), Madurai and quash the same.

For Petitioners	:	Mr. V. Om Prakash
For R-1	:	Mr.K.S. Duraipandian
		Additional Public Prosecutor
For R-2	:	M/s.M. Karthick

O R D E R

This Criminal Original petition is filed to call for the records of C.C.No.101 of 2017 pending on the file of the learned Additional Mahila Court (Judicial Magistrate), 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.

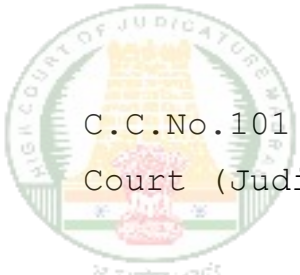


3. The petitioners are the accused nos.1, 3 to 7 in Criminal Proceedings in C.C.No.101 of 2017, on the file of the Additional Mahila Court (Judicial Magistrate), Madurai. On the basis of the complaint lodged by the second respondent / de facto complainant, a case was registered by the first respondent police in Crime No.9 of 2016 for the offences under Sections 498(A), 406, 294(b) 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 Additional Mahila Court (Judicial Magistrate), Madurai, and the same was taken on file in C.C.No.101 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 1 to 4 and 7 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. Though the petitioners 5 and 6 are not present, the de facto complainant is present and stated that they have signed in the compromise memo and hence, the compromise is accepted without the presence of the petitioners 5 and 6.

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.101 of 2017 on the file of the learned Additional Mahila Court (Judicial Magistrate), 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.101 of 2017 on the file of learned Additional Mahila Court (Judicial Magistrate), Madurai is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order.

Sd/-

Assistant Registrar (T & P)

/True Copy/

Sub Assistant Registrar

To

(Encl. Xerox copy of Joint Compromise Memo)

1. The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai.
2. The the Additional Mahila Court (Judicial Magistrate),
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.V.OM PRAKASH, Advocate SR.No.94413.

Cr1.O.P. (MD) No.17645 of 2017
21.12.2017

trp
SDS/GT/SAR 4/22.01.2018/3P/5C