



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.17650 of 2017

1.Jude
2.Kavi@ Kavithai
3.Thomson ... Petitioners / Accused 1 to 3

-Vs-

1.State rep. by
The Inspector of Police,
Central Police Station,
Thoothukudi.
(Crime No.625 of 2009) ... 1st Respondent /Complainant

2.Stephen Anthony Raj
3.Babu Selvakumar ... Respondents / De facto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the case in PRC.No.23 of 2017 pending on the file of the learned Judicial Magistrate No.II, Thoothukudi and quash the same.

For Petitioners : Mr. R. Anand
For R-1 : Mr.K.S. Duraipandian
Additional Public Prosecutor
For R-2 : Mr.Samvel Gunasekaran

O R D E R

This Criminal Original petition is filed to call for the records pertaining to the case in PRC.No.23 of 2017 pending on the file of the learned Judicial Magistrate No.II, Thoothukudi 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 respondents 2 and 3.

3. The petitioners are the accused nos.1 to 3 in Criminal Proceedings in PRC.No.23 of 2017 on the file of the the learned Judicial Magistrate No.II, Thoothukudi. On the basis of the complaint lodged by the respondents 1 and 3 / de facto



complainants, a case was registered by the first respondent police in Crime No.625 of 2009 for the offences under Sections 147,148,341,307, 506(ii) r/w. 34 of IPC against the petitioners. Thereafter, the first respondent police has filed a charge sheet before the learned Judicial Magistrate No.II, Thoothukudi, and the same was taken on file in PRC.No.23 of 2017.

4. It appears that parties viz., petitioners and the respondents 2 and 3 / de facto complainants 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 respondents 2 and 3, 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 respondents 2 and 3 have requested this Court to quash the proceedings in PRC.No.23 of 2017 on the file of the learned Judicial Magistrate No.II, Thoothukudi.

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.23 of 2017 on the file of the learned Judicial Magistrate No.II, Thoothukudi is quashed in toto. The Joint Compromise Memo dated 21.12.2017 signed by the parties shall form part of the order.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

Encl: Xerox copy of Joint Compromise Memo

To

1.The The Inspector of Police,

<https://hcserv01.cerodms.gov.in/Procrs/ice> Station,

Thoothukudi.



2. The Judicial Magistrate No.II, Thoothukudi.

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

TRP

VB/JC/SAR3/102/01/2018/3P/4C

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