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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2017

CORAM

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

Crl.O.P.(MD) No.1809 of 2017

1.Basith @ Mohamed Basith

2.Satham Hussain

3.Mohamed Rabeek ... Petitioners/Accused Nos.1 to 3

-Vs-

1.State through the Inspector of Police,
Melapalayam Police Station,
Tirunelveli.
(in Crime No.171 of 2014). ... Respondent/complainant

2.K.Syed Ali ... Respondent/Defacto complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records of Charge Sheet in CC No.169 of 2014 on the file of the learned Judicial Magistrate No.V, Tirunelveli and quash the same as illegal.

For Petitioners : Mr.M.A.Jinnah

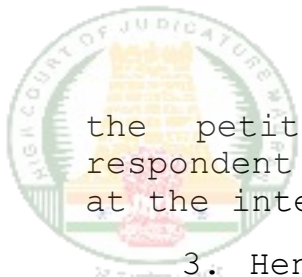
For R1 : Mr.K.Anbarasan,
Government Advocate(Crl.side)

For R2 : Mr.M.Kaushikan.

O R D E R

The petitioners are accused Nos. 1 to 3, in Crime No.171 of 2014. Based on the complaint filed by the second respondent, a case was registered for the offences under sections 294 (b), 323, 324 and 506(i) of IPC on 19.03.2014. Charge sheet was framed against the accused and it was taken up on file in C.C. No. 169 of 2014 on the file of the learned Judicial Magistrate No.V, Tirunelveli.

2.Pursuant to the filing of the charge sheet, it appears that



the petitioners and defacto complainant, namely, the second respondent have settled their dispute and entered into a compromise at the intervention of the elders in family and members of Jamath.

3. Hence, they also signed a compromise memo on 14.02.2017 in the presence of their respective counsels and filed the same. As per the compromise memo, the defacto complainant stated that he does not want to proceed against the petitioner and has no objection for quashing the Criminal Case.

4. The parties to the compromise memo appeared today (i.e.,) 19.07.2017, before this Court and disclosed that they have signed in the compromise memo on their free will and volition.

5. The identity of the parties are verified with reference to the authenticated documents produced before this Court and the identity is also confirmed by the learned Government Advocate, through the first respondent police. Considering the compromise memo entered into between the parties, this Court is of the view that no useful purpose will be served by keeping this matter pending. Therefore, this Court is inclined to allow the Criminal Original Petition on the basis of compromise memo.

6. In the result, the Criminal Original Petition is allowed and proceedings in C.C.No.169 of 2014 on the file of the learned Judicial Magistrate No.V, Tirunelveli is quashed. The joint Compromise memo signed and produced by the parties before this Court shall form part of this order.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

Encl: Xerox copy of Joint Compromise Memo

To

The Inspector of Police,
Melapalayam Police Station,
Tirunelveli.

+1 CC to M/s. S.M.A.JINNAH, Advocate, SR No. 66503.

IA/DSK

PSM/SV/SAR2/28.07.2017/2P/3C

Cr1.O.P.(MD) No.1809 of 2017
19.07.2017