



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2017

CORAM

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.7131 of 2017

1.Fenn Rusel

2.Jerkin @ Jerkin Russel

3.Jegan Jose

4.Suresh

5.Russalian

: Petitioners

-vs-

1.State of Tamil Nadu

Rep. by the Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
in Crime No.941 of 2006

2.Pravin Vince

: Respondents

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure praying to call for the records pertaining to the Chargesheet No.78 of 2007 on the file of the Judicial Magistrate, Padmanabhapuram based on the compromise entered between the petitioners and the 2nd respondent dated 30.04.2017 and quash the same.

For Petitioners : Mr.C.R.Nirmal

For Respondent No.1 : Mr.K.Anbarasan

Government Advocate (Crl.side)

For Respondent No.2 : Mr.A.Rajkumarsen

O R D E R

On the complaint lodged by one Pravin Vince/2nd respondent, the first respondent police registered a case in Crime No.941 of 2006 for offences under Sections 147, 341, 352, 379, 506(i) and of the Indian Penal Code and on completing the investigation filed the chargesheet in C.C.No.78/2007 before the Judicial Magistrate, Padmanabhapuram against the petitioners, challenging which, the accused and the *defacto* complainant are before this Court for quashing the case in C.C.No.78/2007 against the petitioners on the ground that they have arrived at a compromise.



2. Today, when the matter is taken up for hearing, Mr.Christudhas, Special Sub Inspector of Police, Thuckalay Police Station, Kanyakumari District, is present in Court. The defacto complainant is present and the accused is also present and their identifications were also verified by this Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate (Crl. side) through Mr.Christudhas, Special Sub Inspector of Police, Thuckalay Police Station, Kanyakumari District.

3. The petitioners and the second respondent have filed a joint compromise memo dated 30.04.2017, in which, it has been stated as follows:

"It is submitted that the 1st respondent filed a chargesheet in CC No.78/2007 on the file of the Judicial Magistrate, Padmanabhapuram against the petitioners under sections 147, 341, 352, 379 and 506(i) of I.P.C. on the strength of the complaint of the 2nd respondent. The allegations found in the chargesheet is that on 22.10.2006 at 11.30 a.m., while the defacto complainant/2nd respondent was returning home from the C.S.I. Church, Kuzhicode, at that time petitioners intercepted the de-facto complainant at Palliyadi, Alanthur bridge attacked him and took Rs.9,000/- from the shirt pocket and threatened his life.

2.It is submitted that 1st petitioner and the de-facto complainant/2nd respondent are the class mates. The subject matter was compromised by the college mates with the undertaking to compound the case in C.C.No.78 of 2007 on the file of the Judicial Magistrate, Padmanabhapuram. Thus the joint compromise memo is filed before this honourable Court by both the parties to record the same and to quash the chargesheet in CC No.78 of 2007 on the file of the Judicial Magistrate, Padmanabhapuram."

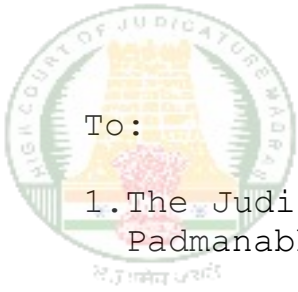
4. In view of the above, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, this petition is allowed and the entire proceedings in C.C.No.78 of 2007 , pending on the file of the respondent police in respect of all the accused are hereby quashed. The joint compromise memo dated 30.04.2017 shall form part of this order. However, all the petitioners are directed to pay a sum of Rs.500/- (Rupees five hundred only) each, to M.S.Chellamuthu Trust and Research Foundation, No.643, K.K.Nagar, Madurai, within a period of two weeks from today.

Sd/-

Assistant Registrar(CO)

/ True Copy /

Sub Assistant Registrar(C.S.)



To:

1.The Judicial Magistrate,
Padmanabhapuram.

2.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.

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

4.M.S.Chellamuthu Trust and Research Foundation,
NO.643, K.K.Nagar, Madurai.

+1cc to M/S.C.R.NIRMAL, Advocate SR.No.61529

RR

MAS/SKN-RSK/SAR3:06.07.2017:3P-6C

Order made in
Crl.O.P.(MD) No.7131 of 2017
Dated: 21.06.2017