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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL OP(MD)No.7580 of 2017 and
CRL.M.P.(MD)No.5190 of 2017

Balakrishnan

... Petitioners/Accused No.1

Vs.

1. The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli. ... Respondent
2. State through the Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Alangulam Sub Division,
Tirunelveli District. ... Respondent/Complainant
3. State through the Inspector of Police,
Pappakudi Police Station,
Tirunelveli District.
(In Crime No.130 of 2014) ... Respondent/Complainant
4. Nithyaselvi ... Respondent/Defacto
Complainant
5. Siddarthan ... Respondent/Victim

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records of Charge Sheet in S.C.No.83 of 2016 in Crime No.130 of 2014 pending on the file of the learned II Additional District and Sessions Judge and Special Court for P.C.R.Cases, Tirunelveli, and to quash the same as illegal against the petitioner.

For Petitioners : Mr.S.M.A.Jinnah
For R-1 to R-3 : Mr.K.Anbarasan,
Government Advocate(Crl.Side)
For R-4 & R-5 : Mr.S.Lenin Prabhu

O R D E R

This Criminal Original petition is filed for quashing the Charge Sheet in S.C.No.83 of 2016 in Crime No.130 of 2014 pending on the file of the learned II Additional District and Sessions Judge, Special Court for P.C.R.Cases, Tirunelveli.



2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the respondents 1 to 3 and the learned counsel appearing for the respondents 4 and 5.

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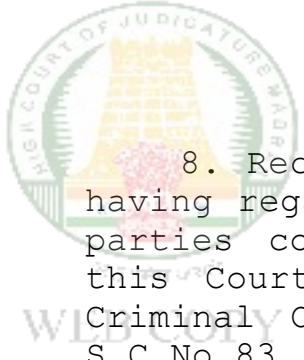
3. The petitioner is the first accused in Crime No.130 of 2014 which was registered for the offence under Sections 147, 148, 294 (b), 452, 453, 506(ii) of I.P.C., r/w 149 of I.P.C., and Section 3 (1) of TNPPDL Act r/w 3(2) (Va) SC/ST (POA) Amendment Ordinance-2014. After investigation, the second respondent filed a Charge Sheet and the same was taken on file in S.C.No.83 of 2016 on the file of the learned II Additional District and Sessions Judge, Special court for P.C.R. Cases, Tirunelveli.

4. After the filing of the charge sheet, it appears that the fourth respondent/defacto complainant, namely, the Village Administrative Officer of the Pappakudi Part II Village, Ambasamuthiram Village, Tirunelveli District, fifth respondent/victim and the petitioner/first accused agreed to settle their dispute amicably and they have also entered into a compromise. The Joint Compromise Memo, dated 21.10.2016 signed by the parties along with their counsel is produced before this Court.

5. In the Joint Compromise Memo, it is stated that the co-accused, namely, the accused Nos.2 to 6, 8 to 11 filed a quash petition in CrI.O.P.(MD)No.20452 of 2016 before this Court and the criminal proceedings were quashed. The present petition has been filed in so far as the case pending against the petitioner/first accused. As per the Joint Compromise Memo, it is further stated that the parties have settled their dispute amicably out of Court and the defacto complainant also stated that he is willing to withdraw the criminal case and that he has no objection to quash the criminal case.

6. The fifth respondent/victim appeared before this Court. However, the petitioner and the fourth respondent who is the defacto complainant are not present. When enquired the fifth respondent about the dispute, he stated that the petitioner and the fifth respondent settled their dispute amicably out of Court and they have also entered into a compromise Memo. It is further stated that he did not want to proceed further with the criminal case.

7. The fifth respondent further expressed in unequivocal terms that the petitioner and the fifth respondent have signed in the Joint Compromise Memo on their own free will and volition. The identity 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 Government Advocate(Criminal side) through the third respondent police.



8. Recording the statement of the fifth respondent/victim and having regard to the terms of Joint Compromise Memo signed by the parties concerned in the presence of their respective counsel, this Court is inclined to entertain this petition. Hence, the Criminal Original petition is allowed and the Charge Sheet in S.C.No.83 of 2016 in Crime No.130 of 2014 on the file of the learned II Additional District and Sessions Judge, Special Court for P.C.R.Cases, Tirunelveli, is quashed in respect of the petitioner herein. The Joint Compromise Memo signed by the parties shall form part of the order. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

**(*)JOINT COMPROMISE MEMO DATED 21/10/2016 XEROX COPY IS ENCLOED
HEREWITH**

To

- 1.The II Additional District and Sessions Judge,
Special Court for PCR Cases, Tirunelveli
2. The Superintendent of Prison, Palayamkottai Central Prison,
Tirunelveli.
3. The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Alangulam Sub Division, Tirunelveli District.
4. The Inspector of Police, Pappakudi Police Station,
Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+One cc to Mr.S.M.A.Jinnah, Advocate, SR.No.71215

pmu

RL/7C/3P/JC/SAR1/24/8/2017