



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

CRL.O.P.(MD) .No.8121 of 2017

WEB COPY

1.Maruthupandi@ Maruthapandi

2.Subbaiyapandi @ Selvam : Petitioner/Accused No.1 and 2

Vs.

1.The Sub-Inspector of Police,
Manur Police Station,
Tirunelveli District.
In Crime No.69 of 2017

:Ist Respondent/Complainant

2.Marikalai

: 2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code praying this Court to call for the records pertaining to the proceedings in Cr.No.69 of 2017, on the file of the first respondent Police and to quash the same as illegal and arbitrary.

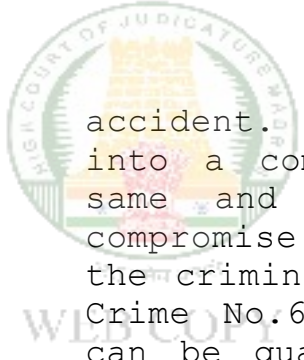
For Petitioner : M/s.S.Balamurugan
For Respondent No.1 : Mr.K.Anbarasan,
Govt. Advocate (Crl. Side)
For Respondent No.2 : M/s.D.Senthil Kumar

O R D E R

This Criminal Original Petition has been filed praying this Court to call for the records pertaining to the proceedings in Cr.No.69 of 2017, on the file of the first respondent Police and to quash the same as illegal and arbitrary.

2.Heard the learned counsel for the Petitioners as well as the learned Government Advocate(Crl.Side) appearing for the first respondent/Police and perused the materials placed before the Court including the Joint Compromise memo filed by both the parties.

3.The Petitioners are accused in Crime No.69 of 2017 before the first respondent Police. On the basis of an incident dated 20.2.2017, a criminal case was registered under Sections 337 and 338 of IPC. The complaint itself was registered on the understanding that the incident on 20.2.2017 is purely an



accident. The de-facto complainant and the accused have entered into a compromise, dated 27.6.2017. The parties have signed the same and produced the same before this Court. As per the compromise memo, the de-facto complainant agreed not to pursue the criminal case in future and agreed that the Criminal case in Crime No.69 of 2017 on the file of the first respondent/Police can be quashed. The learned counsel for the Petitioners/accused further submitted that a reasonable amount has been paid to the de-facto complainant to meet out the medical expenses of the de-facto complainant and to compensate the loss of earning for the period pursuant to the alleged incident.

4. The parties are before this Court and they have signed the compromise memo out of their own volition and free will without being influenced by any one and filed the joint compromise memo before this Court and also produced documents to prove their identity.

5. In such circumstances, this Court is of the view that the above Criminal case need not be proceeded with further. Therefore, recording the joint compromise memo, the entire proceedings in Cr.No.69 of 2017, on the file of the first respondent/Police, in respect of the petitioners alone, is, hereby, quashed and this Criminal Original Petition is allowed accordingly. The joint compromise memo shall form part of the order of this Court.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

Encl: Xerox copy of Joint Compromise Memo
To

1. The Sub-Inspector of Police,
Manur Police Station,
Tirunelveli District.

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

+1 CC to M/s.S.BALAMURUGAN, Advocate, SR No. 63376.

VSN

PSM/MR-KKR/SAR2/12.07.2017/2P/4C