



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2017

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

Cr1.O.P.(MD) No.8480 of 2017

- 1.Saravanakumar
- 2.Selvam
- 3.Arul
- 4.Vinoth
- 5.Seeman
- 6.Kathaleeswaran
- 7.Kottai
- 8.Bharathi
- 9.Sathiyaraj
- 10.Karthi

... Petitioners/A1,A4 to A10

-vs-

- 1.The Inspector of Police,
Ponnamaravathy Police Station,
Pudukkottai District.
(Crime No.99 of 2014)

... 1st Respondent/Complainant

- 2.Cinnu

...2nd Respondent/De-facto Complainant

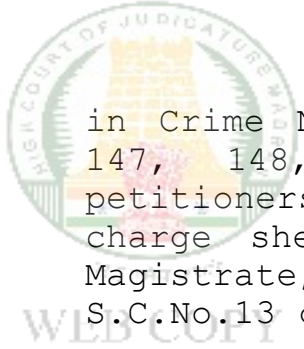
Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records relating to the No.S.C.No.13 of 2015 on the file of the Chief Judicial Magistrate, Pudukkottai on the file of the 2nd respondent Police and quash the same as against the petitioners by allowing this Criminal Original Petition.

For Petitioners : Mr.T.S.Sasidharan Tamilkani
For R1 : Mr.K.Anbarasan,
Government Advocate(Crl.side).

O R D E R

This petition has been filed seeking to quash in S.C.No.13 of 2015 on the file of the Chief Judicial Magistrate, Pudukkottai, pursuant to the amicable settlement effected between the parties.

2. It is alleged that the petitioners are unlawfully assembled due to the temple festival and restricted the da-facto complainant and attacked with wooden log and abused in filthy language with dire consequences and a criminal case was registered



in Crime No.99 of 2014 for the alleged offences under Sections 147, 148, 341, 294(b), 323, 324, 307 IPC against the petitioners/A1, A4 to A10. After completion of investigation, charge sheet has been laid before the learned Chief Judicial Magistrate, Pudukkottai and the same was taken on file in S.C.No.13 of 2015.

3. It is submitted that the parties have agreed to settle the dispute amicably out of court at the intervention of the villagers. They have filed a compromise memo dated 28.06.2017 duly stating that since the parties have arrived at an amicable settlement by way of compromise among themselves, the second respondent has agreed to quash criminal proceedings in S.C.No.13 of 2015 pending on the file of the learned Chief Judicial Magistrate, Pudukkottai.

4. When the matter is taken up for hearing, the petitioners/A1, A4 to A10 and the second respondent, appeared in person and they have submitted that they have signed in the compromise memo out of their own will and volition. The identifications of the parties, who signed in the compromise memo, were also verified by this Court through Identity Cards and Adhar Cards. Apart from that, identity of those persons are confirmed by the learned Government Advocate (Crl.side) through the respondent police.

5. Considering the nature of allegations and in view of joint memo of compromise dated 28.06.2017, this Court is of the opinion that no useful purpose would be served in keeping the proceeding pending. Therefore, criminal proceeding in S.C.No.13 of 2015 pending on the file of the learned Chief Judicial Magistrate, Pudukkottai, in respect of the petitioner/A1, A4 to A10 is hereby quashed. In view of the same, criminal proceeding in S.C.No.13 of 2015 pending on the file of the learned Chief Judicial Magistrate, Pudukkottai, in respect of the family members of the first petitioner is also quashed.

6. Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. The joint compromise memo dated 28.06.2017 shall form part of this order.

7. In clause-4 of the compromise memo it is stated that the accused No.2 and 3 namely one Prakash and one Vinothkumar are not made as parties in the present proceedings. However, the defacto complainant has agreed that the entire proceeds even as against the accused Nos.2 and 3 can be quashed. Since the accused Nos.2 and 3 are in abroad, they are not parties to the compromise made between the parties. Hence, the joint request of both the petitioners and the defacto complainant is considered. Accordingly, the criminal proceedings in S.C.No.13 of 2015



pending on the file of the learned Chief Judicial Magistrate, Pudukkottai, as against the accused Nos. 2 and 3 also is quashed.

Sd/-

Assistant Registrar()

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Sub Assistant Registrar

To:

- 1.The Chief Judicial Magistrate,
Pudukkottai.
- 2.The Inspector of Police,
Ponnamaravathy Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+12cc to M/S. S.T.SASIDHARAN TAMILKANI, Advocate, SR.No.63786.

Cr1.O.P.(MD) No.8480 of 2017
06.07.2017

CM/gsp

SDS/SKN:RSK/SAR 3/11.07.2017/3P/16C