



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2017

CORAM

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

Crl.O.P.(MD) No.8552 of 2017
and Crl.M.P.(MD) No.5783 of 2017

1.Suresh
2.Inbakumar
3.Nanthakumar
4.Rajapandian

... Petitioners/Accused No.1 to 4

-vs-

1.The State represented by
The Inspector of Police,
Rayappanpaatti Police Station,
Theni District.
(Crime No.62 of 2016).

...1st Respondent/Complainant

2.Amjath khan

... 2nd Respondent/De-facto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records in C.C.No.148 of 2016 on the file of the Learned Judicial Magistrate, Uthamapalayam and quash the same .

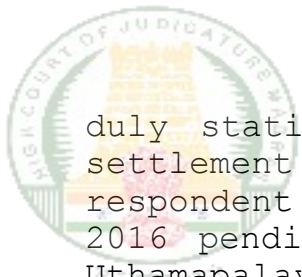
For Petitioners	:	Mr.M.Eswaran
For R1	:	Mr.K.Anbarasan
		Government Advocate(Crl.side)
For R2	:	Mr.Mohamed Rafi

O R D E R

This petition has been filed seeking to quash the charge sheet in C.C.No.148 of 2016 pending on the file of the Learned Judicial Magistrate, Uthamapalayam , pursuant to the amicable settlement effected between the parties.

2. It is seen that a case in Crime No.62 of 2016 was registered for the offence under Section 394 IPC against the petitioners/A1 to A4. After completion of investigation, charge sheet has been filed and the same has been taken on file in C.C.No.148 of 2016 on the file of the Judicial Magistrate, Uthamapalayam.

3. It is submitted that pursuant to the settlement entered between the parties at the intervention of elders in the village, the parties namely the petitioner and the second respondent have entered into compromise. They have filed a joint compromise memo



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 C.C.No.148 of 2016 pending on the file of the Learned Judicial Magistrate, Uthamapalayam.

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4. When the matter is taken up for hearing, the petitioners/A1 to A4 and the second respondent, appeared in person and they have submitted that they have signed in the joint compromise memo out of their own will and volition. The identifications of the parties, who signed in the compromise memo, were verified by this Court with reference to the authenticated documents produced by the parties. 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, this Court is of the opinion that no useful purpose would be served in keeping the proceeding pending. Therefore, criminal proceeding in C.C.No.148 of 2016 pending on the file of the learned Judicial Magistrate, Uthamapalayam, in respect of the petitioners/A1 to A4 is hereby quashed.

6. Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. The joint compromise memo shall form part of this order. Consequently, connected Crl.M.P. (MD) No.5783 of 2017 is closed.

Sd/-
Assistant Registrar (Crl. Side)

/True Copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate,
Uthamapalayam.

2. -do-Thro' Chief Judicial Magistrate,
Theni.

3. The Inspector of Police,
Rayappanpaatti Police Station,
Theni District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
+1cc to Mr. Mohamed Rafi Advocate in SR. No.64134
+1cc to Mr. M. Easwaran Advocate in SR. No.64133
CM/GSP

JS/MR/KKR/SAR.2/14.7.2017/2P-7C

<https://hcservices.ecourts.gov.in/hcservices/>

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