



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2017

CORAM

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

Crl.O.P.(MD) No.8725 of 2017

1. Karim @ Aswathkarim
2. Hasanul Aribin

... Petitioners

-Vs-

1.The Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District.
(Crime No.89 of 2008)

... 1st Respondent/Complainant

2. Jayamurugan

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records in C.C.No.27 of 2009 on the file of the learned Judicial Magistrate No.1, Ramanathapuram and quash the same against the petitioner's alone.

For Petitioners	:	Mr.G.Thiruvavutselvan
For R-1	:	Mr.K.Anbarasan, Government Advocate(Crl.side).
For R-2	:	Mr.S.M.Sanjay

ORDER

This Criminal Original petition is filed only for quashing the criminal case in C.C.No.27 of 2009 on the file of the learned Judicial Magistrate No.1, Ramanathapuram, against the petitioner alone.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the first respondent and the learned counsel appearing for the second respondent.

3. On the basis of the complaint received from the second respondent/defacto complainant, a case was registered by the first respondent in Crime No.89 of 2008, for the offences under Sections 341, 342, 427, 323, 336, 379 and 506(i) of I.P.C. A final report also was filed by the first respondent and the same was taken on file in C.C.No.27 of 2009 before the learned Judicial Magistrate No.1, Ramanathapuram.

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

4. After the Charge Sheet was filed, the parties have entered

into compromise, at the advise of the elders and well wishers. The Joint Compromise Memo was also signed by the petitioners and the second respondent along with their respective counsel.

5. The petitioners and the defacto complainant are present before this Court and they have expressed in unequivocal terms that the Compromise Memo was signed by them on their own will and volition. The identities of the parties are verified with reference to the authenticated documents produced by the parties before this Court. The identities of the parties are also confirmed by the learned Government Advocate(Criminal side) through the first respondent police.

6. Having regard to the fact that the parties have entered into the compromise in full-fledge, this Court is of the view that no useful purpose will be served by keeping this matter pending. However, it was brought to the notice of this Court that this Court has earlier dismissed the earlier Criminal Original petition in CrI.O.P.(MD)No.202 of 2017 as withdrawn, for the same relief. The question is about the maintainability of the second Criminal Original petition for the same relief.

7. Having regard to the compromise reached between the parties have an independent cause of action and hence, the present Criminal Original petition is also maintainable. Hence, the Criminal Original petition is allowed and the criminal case in C.C.No.27 of 2009 on the file of the learned Judicial Magistrate No.I, Ramanathapuram District, is quashed in respect of the petitioners only, on the basis of the compromise memo signed by the parties and the Joint Compromise Memo signed by the parties shall form part of the order.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.I,
Ramanathapuram.

2.The Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District.

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

+1cc to M/s. G.THIRUVARUTSELVAN Advocate in SR. NO.64795

PMU