



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2017

CORAM

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THE HON'BLE MR.JUSTICE S.S.SUNDARCrl.O.P.(MD) No.8848 of 2017

- 1.Muruganantham
- 2.Krishna Prasad
- 3.S.Velappan
- 4.Madhava Dhas
- 5.P.Iyyappan
- 6.Vijayakumar
- 7.Radhakrishnan
- 8.Arumugam Pillai
- 9.Krishnamoorthy
- 10.K.Nagarajan
- 11.I.Suresh
- 12.E.Kalidhas
- 13.P.Kollappa Pillai
- 14.K.Murugavel
- 15.M.Prabhu
- 16.Ramachandran

... Petitioners/Accused

-Vs-

- 1.State Represented by
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
(Crime No.121 of 2008).

... 1st Respondent/defacto complainant

- 2.P.Madhava Prasad

...2nd Respondent/Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to record the compromise reached between Petitioners/Accused and 2nd respondent/defacto complainant and call for the records in S.C.No.135/2008 before the Principle District Court at Nagercoil and quash the same as illegal and violation of law, in respect of the petitioners alone.

For Petitioners : Mr.H.Velavadhas

For R1 : Mr.K.Anbarasan

Government Advocate (Crl.side).

For R2

: Mr.B.Senthilkumar

O R D E R

The petitioners are the accused in Crime No.121 of 2008, registered for the offences under sections 147, 148, 323, 324, 326, 307, 436 r/w 149 of IPC.

2.Though there were 18 accused, accused Nos 11 and 12 are no more and therefore, the remaining accused are before this Court as petitioners. A final report was also filed by the first respondent and the same was taken on file in S.C.No.135 of 2008 before the Principal District Court, Nagercoil. It is stated that there was a group clash and connected criminal cases were also registered. The petitioners as well as the second respondent appear to have entered into a compromise memo, after settling their disputes. A joint compromise memo signed by the parties is produced before this Court, wherein the second respondent has stated that he is not willing to contest the proceeding in S.C. No. 135 of 2008, in view of the compromise.

3.The parties to the joint compromise memo appeared before this Court in person and stated that they have settled their dispute and signed the compromise memo out of their own free will and volition.

4.The identity of the parties except 15th petitioner are verified with reference to the authenticated documents filed before this Court by the parties concerned. As regard the 15th petitioner, his name, as per First Information Report is M.Prabhu. However, Aadhaar Card and other identity document produced before this Court indicates that his name is Pradhees, son of one Murugesh Pillai. With regard to address and other details, the respondent police has confirmed the identity of the 15th petitioner also.

5.In view of the joint compromise memo filed by the parties, this Court is of the view that no useful purpose will be served in keeping the matter pending. Hence, based on the Joint Compromise Memo, this Criminal Original petition is allowed and the proceedings in S.C. No.135 of 2008 on the file of the learned Principal District Court, Nagercoil is quashed. The joint Compromise Memo signed by the parties and counsels respectively, and produced before this Court by the parties, shall form part of this order.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar



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Encl : (*) JOINT COMPROMISE MEMO DATED 06/07/2017

- 1.The Principal District Judge,
Nagercoil
- 2.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

+One cc to Mr.H.Velavadhas, Advocate, SR.No.66370

ia/dsk

RL/5C/3P/SKN/RSK/SAR1/1/8/2017

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