



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.07.2017
CORAM
THE HON'BLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No.8874 of 2017

WEB COPY

Girinivasaprasad

... Petitioner/Sole Accused

-Vs-

1.State Rep. By

The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
(Crime No.468 of 2012).

... Respondent/complainant

2.Sivasubramaniaprasad

...Respondent/Defacto complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the case in C.C.No.94 of 2015 on the file the Judicial Magistrate, Eraniel and quash the same.

For Petitioners: Mr.S.Ramasamy

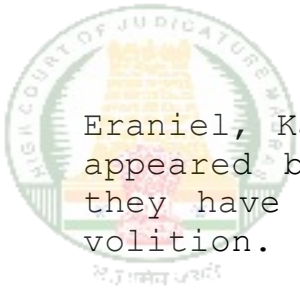
For R1 : Mr.K.Anbarasan
Government Advocate(Crl.side)

For R2 : Mr.R.Ramachandran

O R D E R

The petitioner is the sole accused. Based on the criminal complaint, a case was registered in Cr.No.468 of 2012 by the first respondent for the offences under section 448, 294(b), 323,325 and 506 (ii) of IPC.

2. After investigation, a the charge sheet was filed and it was taken on file in C.C.No.94 of 2015 under Sections 452, 294(b), 325 and 506 (ii) of IPC. It appears that the petitioner has earlier filed Crl.O.P(MD) No.1163 of 2016 and the same was dismissed as withdrawn. Again Crl.O.P. (MD) No.19469 of 2016 was also filed by the petitioner and the same was also dismissed on merits. It is thereafter, it appears that there was a compromise between the petitioner, the Son and the defacto complainant the Father. The compromise memo indicates that the petitioner is the son of the second respondent. After filing the final report, the dispute between the father and son was settled amicably out of the Court. Both of them have filed Joint Compromise Memo, requesting to accept the Joint Compromise Memo and to quash the proceedings pending before the learned Judicial Magistrate,



Eraniel, Kanayakumari Distirct, in C.C.No.94 of 2015. The parties appeared before this Court and expressed in specific terms that they have singed the compromise memo on their own free will and volition.

3.The identity of the parties are verified with reference to the authenticated documents produced by the parties concerned before this Court. The identity of the parties are also confirmed by the learned Government Advocate through the respondent police.

4.Having regard to the terms of the joint memo filed by the parties, this Court is of the view that no useful purpose will be served in keeping this matter pending. The dismissal of the criminal original petitions earlier may not stand in the way in view of the subsequent compromise memo entered into between the parties. When the petitioner and the defacto complainant are close relatives, this Court is of the view that the Criminal Original Petition can be disposed of on the basis of the compromise memo. Hence, the CrI.OP is allowed and the proceedings in C.C.No.94 of 2015, on the file of the Judicial Magistrate, Eraniel, Kanayakumari Distirct, is quashed. The Joint Compromise Memo dated 12.06.2017, signed by the parties and produced before this Court by the parties concerned shall form part of this order.

Sd/-

Assistant Registrar(CS-III)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

Joint Compromise memo xerox copies are enclosed

The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

+1cc to M/S.S.RAMASAMY, Advocate SR.No.66393

ia/dsk

MAS/SKN-RSK/SAR1:02.08.2017:2P-3C

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