



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDARCrl.O.P.(MD) Nos.9123 and 9130 of 2017Crl.O.P.(MD) No.9123 of 2017:

- 1.Thamarai Kannan
- 2.Kumar
- 3.Sivamurugan
- 4.Marimuthu

... Petitioners/Accused 1 to 4

-Vs-

1. The State rep. by,
The Inspector of Police,
Veeracholam Police Station,
Virudhunagar District,
(In Crime No.3 of 2017)

... Respondent No.1/Complainant

2. Subramanian @ Pandi

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records in Crime No.3 of 2017 pending investigation on the file of the 1st respondent police and quash the same.

For Petitioner
For 1st Respondent

: Mr.C.Thangapandiyan
: Mr.K.Anbarasan,
Government Advocate (Crl.side)
: Mr.B.Anandan

For 2nd Respondent

Crl.O.P.(MD) No.9130 of 2017:

- 1.Subramanian @ Pandi
- 2.Madhavan
- 3.Sathish

... Petitioners/Accused 1 to 3

-Vs-

1. The State rep. by,
The Inspector of Police,
Veeracholam Police Station,
Virudhunagar District,
(In Crime No.2 of 2017)

... RespondentNo.1/Complainant

2. Tamilselvi

... RespondentNo.2/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records in Crime No.2 of 2017 pending investigation on the file of the 1st respondent police and quash the same.



For Petitioner : Mr.B.Anandan
For 1st Respondent : Mr.K.Anbarasan,
Government Advocate (Crl.side)
For 2nd Respondent : Mr.C.Thangapandian

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COMMON ORDER

These Criminal Original petitions are filed to call for records in Crime Nos.2 and 3 of 2017 pending investigation on the file of the 1st respondent police and quash the same.

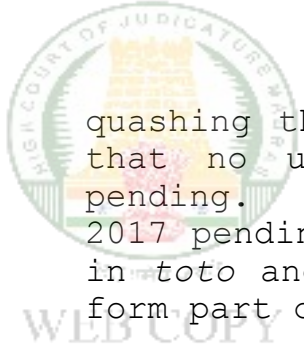
2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Criminal side) appearing for the first respondent and the learned counsel appearing for the second respondent.

3. The petitioners in Crl.O.P.(MD) No.9123 of 2017 are accused Nos.1 to 4 in Crime No.3 of 2017 dated 07.01.2017 registered for the offence under Sections 294(b), 323, 324 and 506(ii) I.P.C. The petitioners in Crl.O.P.(MD) No.9130 of 2017 are accused Nos.1 to 3 in Crime No.2 of 2017 dated 07.01.2017 registered for the offence under Sections 294(b), 324 and 506(ii) I.P.C. r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. The defacto complainant in Crime No.3 of 2017 is the first accused in Crime No.2 of 2017. The defacto complainant in Crime No.2 of 2017 is the wife of the second accused in Crime No.3 of 2017.

4. Pursuant to the registration of the criminal cases, it appears that there is a compromise between the petitioners and defacto complainants in both the cases. The parties have signed a compromise in both the cases. In the compromise memo dated 11.07.2017, entered into between the petitioners in Crl.O.P.(MD) No.9123 of 2017 and the defacto complainant, it is stated that the parties have settled the dispute amicably out of Court on the advise of elders of their families and village and that the defacto complainant has agreed to compromise the same. Similarly, the petitioners in Crl.O.P.(MD) No.9130 of 2017 and the defacto complainant have also entered into a compromise by signing a compromise memo dated 11.07.2017 with similar clauses. The compromise memos signed by the parties are also counter signed by their respective counsel.

5. The parties appeared before this Court and expressed in unequivocal terms that they have signed in the Joint Compromise Memos on their own will and volition. The identity of the parties are verified with reference to the authenticated documents produced by the parties before this Court. The identity of the parties are also confirmed by the learned Government Advocate (Criminal side) through the first respondent police.

6. Having regard to the specific clause in the agreement that the defacto complainants in both the cases have no objection for



quashing the F.I.Rs. in both the cases, this Court is of the view that no useful purpose will be served by keeping this matter pending. Hence, the criminal proceedings in Crime Nos.2 and 3 of 2017 pending on the file of the first respondent police are quashed in *toto* and the Joint Compromise Memos signed by the parties shall form part of the order.

7. Accordingly, these Criminal Original Petitions are allowed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The Inspector of Police,
Veeracholam Police Station,
Virudhunagar District.

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

+1cc to Mr.C.THANGA PANDIAN Advocate in SR. NO.66679

+1cc to Mr.B.ANANDAN Advocate in SR. No.66680

SJ

JS/GT/SAR.3/3.8.2017/3P-5C

Cr1.O.P.(MD) Nos.9123 and 9130 of 2017
18.07.2017