

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 18.07.2017****CORAM****THE HON'BLE MR.JUSTICE S.S.SUNDAR****Crl.O.P. (MD) No.9150 of 2017**

1.Gurusamy Chettiar

2.Solairaj

... Petitioners/Accused No.1 & 2

-Vs-

1. The Inspector of Police,
Vilathikulam Police Station,
Tuticorin,
In Crime No.85 of 2011,
Tuticorin District.

... 1st Respondent/Complainant

2.Muthuramalingam

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records relating to the charge sheet in P.R.C.No.15 of 2016 on the file of the District Munsif Cum Judicial Magistrate Court, Vilathikulam and to quash the same.

For Petitioner : Mr.M.Subash Babu

For 1st Respondent : Mr.K.Anbarasan,
Government Advocate (Crl.side)

For 2nd Respondent : Mr.M.Chandra Bose

O R D E R

This Criminal Original petition is filed to call for records relating to the charge sheet in P.R.C.No.15 of 2016 on the file of the District Munsif Cum Judicial Magistrate Court, Vilathikulam and to quash the same.

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 complaint received from the second respondent, a case was registered in Crime No.85 of 2011 on the file of the first respondent for the offences under Sections 341 and 307 of I.P.C. r/w 109 of I.P.C. After the registration of the First Information Report, the first respondent has proceeded to file final report, by arraying the petitioners herein as accused and the same was taken on file in P.R.C.No.15 of 2016 by the District Munsif Cum Judicial Magistrate Court, Vilathikulam.

4. It appears that the petitioners and defacto complainant have entered into a compromise pursuant to the advice of the elders in the family. Parties have signed a joint compromise memo, dated 20.09.2016, and produced it before the Court. As per the Joint Compromise Memo, the counsel for the parties have also signed. The defacto complainant has stated that he has no objection to quash the charge sheet in P.R.C.No.15 of 2016 on the file of the District Munsif Cum Judicial Magistrate Court, Vilathikulam.

5. The parties who have signed the compromise memo dated 20.09.2016, appeared before this Court and expressed in unequivocal terms that they have signed the Joint Compromise Memo on their own will and volition. The identity of the parties are verified through 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. In the above circumstances this Court is of the view that no useful purpose will be served by keeping this matter pending. Hence, the Criminal Original Petition is allowed and the charge sheet in P.R.C.No.15 of 2016 on the file of the District Munsif Cum Judicial Magistrate Court, Vilathikulam is quashed. The joint compromise memo filed by the parties concerned shall form part of this order.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The District Munsif Cum Judicial Magistrate ,
Vilathikulam

2. The Inspector of Police,
Vilathikulam Police Station,

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

Tuticorin District.



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

+1cc to Mr.M.Subash Babu, Advocate Sr.No.66344

VSG

VB/MR/KKR/SAR4/27.07.2017/3P/5C

Cr1.O.P. (MD) No.9150 of 2017

18.07.2017