

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 20.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR**CRL.OP.(MD)No.9322 of 2017**

1. Murugan,
President,
Pillaiyarkulam Panchayat,
Pillaiyarkulam Village,
Srivilliputhur Taluk,
Virudhunagar District.

2. Kalimuthu
Member of Panchayat Board,
Pillaiyarkulam Panchayat,
Pillaiyarkulam Village,
Srivilliputhur Taluk,
Virudhunagar District.

3.Lingaraj

4.Kannan

5.Seenivasagam

6.Kotti Mariappan

7.Pambulu ...Petitioners/Accused No.1 to 7

Vs.

1. The State, represented by
The Inspector of Police,
Vanniyampatti Police Station
Virudhunagar District.
(Crime No.70/2014)

....Ist Respondent/Complainant

2.Vaiyali ...IInd Respondent/De-facto
Complainant

PRAYER: This Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying this Court to call for the records relating to the charge sheet in P.R.C.No.24 of 2016, on the basis of the report of Judicial Magistrate No.II, Srivilliputhur and to quash the same as the matter is amicably settled between the parties.



For Petitioners : M/s.E.Marees Kumar
For Respondent-1 : Mr.K.Anbarasan
Govt. Advocate(Crl.Side)
For Respondent-2 : Mr.V.Nirmal Kumar

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O R D E R

This Criminal Original Petition has been filed to quash the charge sheet in P.R.C.No.24 of 2016, on the file of Judicial Magistrate No.II, Srivilliputhur.

2.Heard the submissions of Mr.E.Marees Kumar, learned counsel for the Petitioners and Mr.K.Anbarasan, learned Government Advocate(Crl.side)appearing for the first respondent/State and Mr.V.Nirmal Kumar, learned counsel appearing for the second respondent and perused the materials placed before this Court including the joint compromise memo filed by both the parties.

3.The Petitioners are accused No.1 to 7 in P.R.C.No.24 of 2016, on the file of Judicial Magistrate No.II, Srivilliputhur. On the basis of the complaint filed by the second respondent/De-facto complainant before the first respondent-Police on the allegation of tress-pass, a case was registered in Cr.No.70 of 2014, for the offence under Sections 147, 148, 149,294(b), 427, 506(ii) of IPC and Sections 3 and 4 of TNPPDL Act as against the Petitioners. A final report was filed and the case was taken on file in P.R.C.No.24 of 2016, on the file of Judicial Magistrate No.II, Srivilliputhur. Pursuant to the charge-sheet, it appears that there is a settlement between the parties and the parties have subsequently entered into a compromise. The parties namely, the Petitioners who are accused No.1 to 7 and the second respondent/De-facto complainant as well as their respective counsels, have also signed the compromise memo. In the compromise memo, the second respondent/de-facto complainant has stated that he is not interested in prosecuting the case further and that he had no objection in allowing the quash petition. The parties appear before this Court today and submitted in unequivocal terms that they have signed the compromise memo on their own volition and free will. The identity of the parties concerned are verified with reference to the authenticated documents filed by them before this Court. The identity of the parties are also confirmed by the learned Government Advocate(Crl.Side) through the first respondent/Police.

4.Having regard to the specific clause in the joint compromise memo that the second respondent/de-facto complainant is not prosecuting the case further and that he has no objection in allowing the quash petition filed by the Petitioners, this Court is of the view that no useful purpose will be served



in keeping this petition pending Hence, in the circumstances stated above, this Court is inclined to quash the charge sheet filed against the Petitioners in P.R.C.No.24 of 2016, on the file of Judicial Magistrate No.II, Srivilliputhur, on the basis of the Joint Compromise Memo filed by both the parties.

5. Accordingly, this Criminal Original Petition is allowed and the charge-sheet in P.R.C.No.24 of 2016, on the file of Judicial Magistrate No.II, Srivilliputhur in respect of the Petitioners/Accused No.1 to 7 alone is quashed. The Joint compromise memo shall form part and parcel of this order.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To

Encl: Xerox copy of compromise memo

1. The Judicial Magistrate No.II,
Srivilliputhur.
2. The Inspector of Police,
Vanniyampatti Police Station
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.E.Mareeskumar , Advocate in SR.No. 66645

vsn

AE/MR KKR/SAR4/28.07.2017/3P/5C

ORDER MADE IN
CRL.OP. (MD) No.9322 of 2017
20.07.2017