

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 26.07.2017****CORAM:****THE HONOURABLE MR.JUSTICE S.S.SUNDAR****CRL.OP.(MD)No.9395 of 2017**

1.Sathish Kumar

2.Chinna Thangam

...Petitioners/Petitioners/
Accused No.1&2

Vs.

1. The State, represented by
The Inspector of Police,
All Women Police Station
Thoothukudi District.
(Crime No.26/2014).... 1st Respondent/Respondent/
Complainant

2.Uma

... 2nd Respondent/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 in C.C.No.420 of 2016, on the file of Judicial Magistrate No.I, Thoothukudi and to quash the same as against the Petitioners concerned.

For Petitioner : M/s.C.Bethanasamy

For Respondent-1 : Mr.K.Anbarasan
Govt. Advocate(Crl.Side)

For Respondent-2 : Mr.S.Prabhu

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.420 of 2016, on the file of Judicial Magistrate No.I, Thoothukudi.

2.Heard the submissions of Mr.C.Bethanasamy, learned counsel for the Petitioner and Mr.K.Anbarasan, learned Government Advocate (Crl.side) appearing for the first respondent/State and Mr.S.Prabhu, 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 and 2 in Crime No.26 of 2014, on the file of first respondent/Police. Based on the complaint of the second respondent/De-facto complainant, a case was registered in Crime No.26 of 2014, for the offence under Sections 498(A), 294(b), 323, 506(ii) and Section 4 of Dowry Prohibition Act. After filing of charge-sheet, the case was taken on file in C.C.No.420 of 2016 before the Judicial Magistrate No.1, Thoothukudi. After the complaint was lodged, there appears to be some negotiations between the parties with the help of well-wishers and close relatives. It is stated that a compromise was reached between the first Petitioner and the second respondent. As a result, both have agreed to reunite, forgetting the difference of opinion between them. The parties have also signed the joint compromise memo in the presence of their counsels and produced the same before this Court. Though the second petitioner namely mother of the first Petitioner also has signed the compromise memo, she is not present before this Court today on account of her serious illness. The parties appear before this Court today and expressed in unequivocal terms that they have signed the compromise memo out of their free will and volition. The identity of the parties namely, the first Petitioner and the second respondent are verified with reference to the authenticated documents produced before this Court by the parties concerned. 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 facts narrated above and the settlement that was arrived at between the parties, this Court is inclined to entertain the Petition to quash the proceedings in C.C.No.420 of 2016, on the file of Judicial Magistrate No.I, Thoothukudi. The second respondent/De-facto complainant has categorically stated in the joint compromise memo that she agrees for quashing the criminal case. In such circumstances, 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 C.C.No.420 of 2016, on the file of Judicial Magistrate No.I, Thoothukudi on the basis of the Joint Compromise Memo, dated 24.07.2017, filed by both the parties.

5. Accordingly, this Criminal Original Petition is allowed and the C.C.No.420 of 2016, on the file of Judicial Magistrate No.I, Thoothukudi is quashed. The Joint compromise memo, dated 24.07.2017 shall form part and parcel of this order.

Sd/-

Assistant Registrar(P&A)

/True Copy/



To

1. The Judicial Magistrate No.I,
Thoothukudi.

2. -Do- Thro The Chief Judicial Magistrate ,
Thoothukudi.

3. The Inspector of Police,
All Women Police Station
Thoothukudi District.

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

+1cc to Mr.C.Bethanasamy, Advocate Sr.No.68413

VSN

VB/MR/KKR/SAR1/03.08.2017/3P/6C

ORDER MADE IN
CRL.OP. (MD) No.9395 of 2017
26.07.2017