



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) Nos.9771 & 9787 of 2017

WEB COPY

CRL.O.P.(MD)No.9771 of 2017

1. Mekanathan
2. Sugunadevi
3. Veeranan Ambalam ... Petitioners/Accused Nos.1 to 3

-Vs-

- 1.The Inspector of Police,
S.S.Kottai Police Station,
Sivagangai District.
(Crime No.75 of 2015) ... Respondent/Complainant

2. Karthikeyan ... Respondent/DefactoComplainant

Prayer: Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, praying to call for the records relating to C.C.No.166 of 2015 pending on the file of the learned Judicial Magistrate, Thiruppathur, Sivangangai District and to quash the same.

CRL.O.P.(MD)No.9787 of 2017

1. Karthikeyan
2. Alagappan
3. Gandhiyammal
4. Sudha ... Petitioners/Accused Nos.1 to 4

-Vs-

1. The Inspector of Police,
S.S.Kottai Police Station,
Sivagangai District.
(Crime No.76 of 2015) ... Respondent/Complainant

- 2.Mekanathan ... Respondent/DefactoComplainant

Prayer: Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, praying to call for the records relating to C.C.No.60 of 2016 pending on the file of the learned Judicial Magistrate, Thiruppathur, Sivangangai District and to quash the same.

For Petitioners in Crl.O.P.

<https://hcservices.ecourts.gov.in/hcservices> (MD)Nos.9771 of 2017 &

for R-2 in Crl.O.P.

(MD)No.9787 of 2017

: Mr.S.Rajaprabhu



For R-1
(In all cases)

: Mr.K.Anbarasan,
Government Advocate (Crl.side).

For R-2 in Crl.O.P.
(MD)No.9771 of 2017 &
for Petitioners in Crl.O.P.
(MD)No.9787 of 2017

: Mr.K.Rajendran

C O M M O N O R D E R

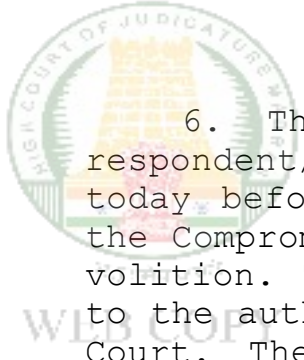
These Criminal Original petitions are filed for quashing the criminal cases in C.C.No.166 of 2015 and C.C.No.60 of 2016 pending on the file of the learned Judicial Magistrate, Thiruppathur, Sivangangai District.

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.9771 of 2017 are the accused Nos.1 to 3 in C.C.No.166 of 2015 on the file of the learned Judicial Magistrate, Thirupathur, Sivagangai District. The petitioners in Crl.O.P.(MD)No.9787 of 2017 are the accused Nos.1 to 4 in C.C.No.60 of 2016 on the file of the learned Judicial Magistrate, Thirupathur, Sivagangai District. The second respondent/defacto complainant in C.C.No.166 of 2015 is the first petitioner in Crl.O.P.(MD)No.9787 of 2017. Similarly, the second respondent/defacto complainant in C.C.No.60 of 2016 is the first petitioner in Crl.O.P.(MD)No.9771 of 2017.

4. It appears that based on the incident that occurred on 30.04.2015 at about 6.30 a.m., the defacto complainants in both the cases lodged the complaints and the cases were registered by the first respondent against the petitioners in Crime Nos.75 of 2015 for the alleged offences under Sections 294(b), 323, 506(i) of I.P.C and in Crime No.76 of 2015 for the alleged offences under Sections 427, 294(b), 323, 506(i) of I.P.C. The Charge Sheets were also filed in both cases and same were taken on file in C.C.Nos.166 of 2015 and 60 of 2016 on the file of the learned Judicial Magistrate, Tirupathur, Sivagangai District.

5. It appears that the parties have settled their dispute amicably out of Court. The petitioners have filed the present petitions, on the basis of the Joint Compromise Memo. On perusal of the Joint Compromise Memos filed before this Court, it is seen that the second respondent/defacto complainant in the respective cases have agreed to withdraw the cases and they have no objection to the withdrawal of the Charge Sheets in C.C.No.166 of 2015 and C.C.No.60 of 2016 on the file of the learned Judicial Magistrate, Thirupathur, Sivangangai District.



6. The parties, namely, the petitioners and the second respondent/defacto complainant in the respective cases appeared today before this Court and expressed in unequivocal terms that the Compromise Memos signed by them was on their own free 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.

7. Having regard to the specific terms of the Joint Compromise Memos, by which the defacto complainant in both the cases have agreed to withdraw the criminal cases and that they have no objection for quashing the criminal cases, this Court is of the view that no useful and fruitful purpose will be served by keeping this matters pending. Hence, the Criminal Original petitions are allowed and on the basis of the Compromise Memos signed by the parties and the criminal cases in C.C.No.166 of 2015 and C.C.No.60 of 2016 on the file of the learned Judicial Magistrate, Thirupathur, Sivangangai District, are quashed in toto and the Joint Compromise Memos signed by the parties shall form part of the order.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
S.S.Kottai Police Station,
Sivagangai District.
2. The Judicial Magistrate, Thirupathur, Sivangangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.S.Rajaprabhu, Advocate SR.No. 68515

+1cc to M/S.K.Rajendran, Advocate SR.No. 68514

Crl.O.P.(MD) Nos.9771 & 9787 of 2017

27.07.2017

PMU

JM/KK/SAR 1/08.08.2017/3P/6C