



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) No.9847 of 2017

1. Pandiyaraj
2. Ramesh Kumar ... Petitioners/Accused Nos.2 & 3
-Vs-
- 1.The State Represented by,
The Sub Inspector of Police,
M.Reddiyapatti Police Station,
Virudhunagar District.
(In Crime No.167 of 2014) ... 1st Respondent/Complainant
2. Sivayoghan ... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to record the compromise reached between the petitioners/accused Nos.2 and 3 and second respondent/defacto complainant and to call for the records in the case in C.C.No.146 of 2015 on the file of the Judicial Magistrate Court, Aruppukottai and to quash as against the accused 2 and 3 as illegal, abuse process of law.

For Petitioners : Mr.G.Marimuthu
For R-1 : Mr.K.Anbarasan,
Government Advocate (Crl.side).
For R-2 : Mr.S.Kumaravel

ORDER

This Criminal Original petition is filed to record the compromise reached between the petitioners/accused Nos.2 and 3 and second respondent/defacto complainant and to call for the records in the case in C.C.No.146 of 2015 on the file of the Judicial Magistrate Court, Aruppukottai and to quash as against the accused 2 and 3 as illegal, abuse process of law.

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. On the basis of the complaint given by the second respondent/defacto complainant, a case was registered by the first respondent in Crime No.167 of 2014 for the alleged offences under



Sections 353, 294(b), 324 and 506(ii) of I.P.C. After the registration of the First Information Report, a Charge Sheet was also filed and taken on file in C.C.No.146 of 2015 on the file of the learned Judicial Magistrate, Aruppukottai.

4. At this stage, it appears that the parties, namely, the petitioners who are the accused Nos.2 and 3 and the second respondent/defacto complainant have entered into a compromise, on the advise of the family members and elders. In the Compromise Memo, the defacto complainant has agreed to withdraw the criminal case and also agreed for quashing the criminal proceedings in C.C.No.146 of 2015.

5. The parties, namely, the petitioners and the second respondent/defacto complainant appeared today before this Court and expressed in unequivocal terms that the Compromise Memo, dated 20.07.2017, 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.

6. Having regard to the specific terms of the Joint Compromise Memo, this Court is of the view that no useful or fruitful purpose will be served by keeping this matter pending. Hence, the Criminal Original petition is allowed on the basis of the Compromise Memo signed by the parties and the criminal case in C.C.No.146 of 2015 on the file of the learned Judicial Magistrate, Aruppukottai, is quashed in respect of the petitioners only and the Joint Compromise Memo signed by the parties shall form part of the order.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

- 1.The Judicial Magistrate, Aruppukottai.
 - 2.The Sub Inspector of Police,
M.Reddiyapatti Police Station,
Virudhunagar District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1cc to Mr.G.MARIMUTHU Advocate in SR. NO.68143
PMU