



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.11.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

CRL.O.P.(MD) No.8769 of 2017

Eswaran ... Petitioner/Accused No.3
-Vs-

1.The State represented by
The Sub Inspector of Police,
Central Crime Branch,
Madurai Town.
(in Crime No.42 of 2013) ...1st Respondent / Complainant

2.D.Swamidasan ...2nd Respondent / De-facto complainant
3.Vimala Dasan ... 3rd respondent

(Respondent No.3 has impleaded as party, in CRL MP(MD)10722/17 by order of this Court dated 24.11.2017)

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the impugned charge sheet in C.C.No.58 of 2016 on the file of the Judicial Magistrate Court No.1, Madurai and quash the same insofar as the petitioner / Accused No.3 is concerned.

For Petitioner : Mr.M.Saravanan

For R1 : Mr.K.S.Duraipandian
Additional Public Prosecutor

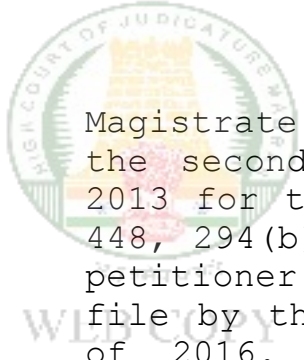
For R2 :Mr.P.T.Ramesh Raja

O R D E R

This Criminal Original Petition has been filed to quash the impugned charge sheet in C.C.No.58 of 2016 on the file of the Judicial Magistrate Court No.1, Madurai, insofar as the petitioner / Accused No.3 is concerned.

2.Heard the learned Counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the first respondent and the learned Counsel appearing for the second and third respondents.

<https://hcservices.courts.gov.in/hcservices/>
3.The petitioner is the third accused in the criminal proceedings in C.C.No.58 of 2016 on the file of the Judicial



Magistrate Court No.1, Madurai. Based on the complaint lodged by the second respondent, a case was registered in Crime No.42 of 2013 for the offences punishable under Sections 406, 420, 120(b), 448, 294(b) and 506(ii) IPC, as against four accused including the petitioner. After filing the charge sheet, the case was taken on file by the Judicial Magistrate Court No.1, Madurai in C.C.No.58 of 2016. In the meanwhile, the second respondent died and therefore, the third respondent is impleaded as a legal heir of the second respondent.

4.Since the second respondent died, the petitioner has given up as against the second respondent. It is stated that the proceedings were dismissed as against the fourth accused. The parties, namely, the petitioner and the third respondent have settled their dispute amicably out of Court, at the intervention of elders and relatives and a compromise was also reached. A Joint Compromise Memo, signed by both the parties, in the presence of their respective Counsels, is also produced before this Court. As per the Joint Compromise Memo, the second respondent has specifically agreed for quashing the criminal proceedings in C.C.No.58 of 2016 pending on the file of the Judicial Magistrate Court No.1, Madurai, insofar as the petitioner is concerned.

5.Today, the parties appeared before this Court and expressed in unequivocal terms that they have signed the Joint Compromise Memo 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 Additional Public Prosecutor through the first respondent police.

6.In view of 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 proceedings in C.C.No.58 of 2016 pending on the file of the Judicial Magistrate Court No.1, Madurai, is quashed insofar as the petitioner / accused No.3 is concerned. The Joint Compromise Memo signed by the parties shall form part of the order.

7.Accordingly, the Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(Crl side)

/True copy/

Sub Assistant Registrar

ENCL: Xerox Copy of Compromise Memo.



To

1.The Judicial Magistrate Court No.1,
Madurai.

2.The Sub Inspector of Police,
Central Crime Branch,
Madurai Town.

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

+1cc to Mr.M.SARAVANAN,Advocate,SR. 89396

CRL.O.P.(MD) No.8769 of 2017
24.11.2017

CMR

KK/SV MMS/SAR 1/11.12.2017/ 3P- 5C/