



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2017

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

Crl.O.P.(MD) No.5628 of 2011

and

M.P(MD) No.1 of 2011

- 1.Yesurajan
- 2.Ramapandi
- 3.Kutti @ Kuttiraja
- 4.Selvam @ Sevaraj
- 5.Anand @ Anandraj
- 6.Kumar @ Raj Kumar
- 7.Arumugusamy
- 8.Ganesan

...Petitioners/Accused

-Vs-

1. The Deputy Superintendent of Police,
Vilathikulam Sub Division,
Tharuvaikulam Police Station
Tuticorin District.

(In Crime No.120 of 2010)

...1st Respondent/Complainant

- 2.Murugesan

... 2nd Respondent/De-facto
Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in P.R.C.No.38 of 2010 on the file of the Judicial Magistrate Court, Vilathikulam, Tuticorin District and quash the same.

For Petitioners : Mr.C.T.Perumal

For R-1 : Mr.K.Anbarasan,
Government Advocate(Crl. Side).

For R-2 : Mr.P.Venkatesan

O R D E R

This Criminal Original petition has been filed to quash the records in P.R.C.No.38 of 2010 on the file of the Judicial Magistrate Court, Vilathikulam, Tuticorin 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. Based on the complaint given by the second respondent, against the petitioners, a case was registered in Crime No. 121 of 2010 on the file of the first respondent for the offences punishable under Sections 147, 148, 294(b), 341, 323, 324 and 506 (ii) IPC and under Section 3(1) of TNPPDL Act as well as under Section 3(1)(x) of SC/ST [POA] Act. After filing the charge sheet, the case was taken on file in P.R.C.No.38 of 2010, before the learned Judicial Magistrate, Vilathikulam, Tuticorin District. From the reading of the complaint, no serious offences under Section 3(1)(x) of SC/ST (POA) Act, 1989, were made.

4. Though specific provisions under the SC/ST (POA) Act, is also included in the charge sheet, the parties consciously entered into compromise, on the advice of the elders and friends. A Joint Compromise Memo, dated 15.08.2017, 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 de-facto complainant, namely, the second respondent has given his consent to quash the entire proceedings in P.R.C.No.38 of 2010 in favour of the petitioners.

5. The parties appeared before this Court and expressed in unequivocal terms that they have signed the Joint Compromise Memo on their own will and free 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.

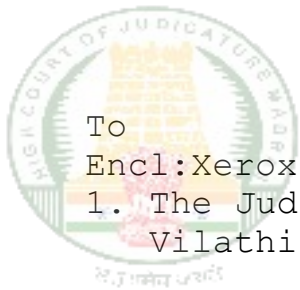
6. Having regard to the compromise arrived at between the parties, this Court is of the view that no useful/fruitful purpose will be served by keeping this matter pending. Hence the charge sheet in P.R.C.No.38 of 2010 on the file of the learned Judicial Magistrate, Vilathikulam, Tuticorin District, is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order.

7. Accordingly, the Criminal Original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl side)

/True Copy/



To
Encl:Xerox copy of Compromise memo

1. The Judicial Magistrate,
Vilathikulam, Tuticorin District.

2.-do- Thro'The Chief Judicial Magistrate,
Tuticorin.

3. The Deputy Superintendent of Police,
Vilathikulam Sub Division,
Tharuvaikulam Police Station
Tuticorin District.

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

+1cc to Mr.C.T.Perumal, Advocate in Sr.No.79390

cmr

AE/SKN RSK/SAR3/11.10.2017/3P/6C

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