

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

CrI.O.P. No.23770 of 2018

1 Murali
2 Lakshmanan
3 Saravanan
4 Shankar
5 Karunakaran

Petitioners

vs.

1 State represented by
the Sub Inspector of Police
Thiruppathur Town Police Station
Vellore District
(Cr. No.455 of 2016)

2 Pachaiyammal

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to call for the records relating to charge sheet in C.C. No.60 of 2018 on the file of the Judicial Magistrate Court No.I, Thiruppathur and quash the same.

For petitioners

Mr. R. Sasikumar

For R1

Mrs. M. Prabhavathi

Addl. Public Prosecutor

For R2

Mr. V. Vijaya Rajan

ORDER

This Criminal Original Petition has been preferred seeking to call for the records relating to charge sheet in C.C. No.60 of 2018 on the file of the Judicial Magistrate Court No.I, Thiruppathur and quash the same.

2 On the complaint lodged by Pachaiyammal, the second respondent herein, the first respondent police registered a case in Cr. No.455 of 2016 on 24.09.2016 and after completing the investigation, have filed a charge sheet in C.C. No.60 of 2018 before the Judicial Magistrate No.I, Thiruppathur, for the offences under Sections 294(b), 406, 420, 466, 467, 506(I) and 109 IPC against five accused, for quashing which, this Criminal Original Petition has been filed on the ground that the parties have arrived at a compromise.

3 It appears that this matter was referred to the Lok Adalat where, Pachayammal (de facto complainant) and her son Murali (A1) had appeared and signed a memorandum of compromise. That apart, they have also signed a joint memo of compromise dated 12.09.2018, wherein, it has been stated as follows:

"2. It is humbly submitted that during the pendency of the trial, the petitioners and the second respondent arrived at an amicable settlement between them through advice of the family members and village elders.

3. It is humbly submitted that during the pendency of the trial in C.C. No.60 of 2018 on the file of the Judicial Magistrate No.I, Thiruppathur, they have arrived at an amicable settlement considering their peaceful and future life of both the parties, the second respondent herein agreed to withdraw the case which was pending in C.C. No.60 of 2018 against the petitioners.

4. It is humbly submitted that as per the amicable settlement, the 2nd respondent herein agreed to join the prayer of the petitioners for quashing the proceedings in C.C. No.60 of 2018 on the file of the Judicial Magistrate No.I, Thiruppathur.

5. It is humbly submitted that the entire matter was amicably settled between the parties. Hence, the second respondent herein on his own willingness agreed to withdraw the complaint in the above C.C. No.60 of 2018 on the file of the Judicial Magistrate No.I, Thiruppathur and by quashing the proceedings, no prejudice would be caused to any of the parties."

4 Today, Pachaiyammal (de facto complainant) and Murali (A1) are present and identified by their respective counsel.

5 Murali (A1) has also filed an affidavit dated 30.10.2018, wherein, at paragraph nos.3 and 4, he has stated as follows:

"3. I humbly submit that during the pendency of the trial in **(*)C.C. No.60 of 2018** on the file of the Judicial Magistrate No.I, Thiruppathur, my mother arrived at an amicable settlement considering her

peaceful and future life of both of us herein agreed to withdraw the case which was pending in **(*)C.C. No.60 of 2018** against me.

4. I humbly submit that as per the amicable settlement, my mother herein agreed to join the prayer of my petition for quashing the proceedings in **(*)C.C. No.60 of 2018** on the file of the Judicial Magistrate No.I, Thiruppathur. I further submit that even after withdrawing the case, I swear to maintain my mother with care and affection till her life."

In view of the above, Criminal Original Petition is allowed and the proceedings in C.C. No.60 of 2018 on the file of the Judicial Magistrate Court No.I, Thiruppathur, is quashed as against all the accused on condition that the petitioners pay a sum of Rs.1,000/- each (Rs.1,000 x 5 = Rs.5,000/-) as costs to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry), within a period of two weeks from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

Sd/-
Assistant Registrar
(Dated : 16.11.2018)

(*) Corrected as per the order of this Court dated 25.03.2019

Sd/-
Assistant Registrar (CS-VI)
(Dated : 22.03.2019)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Sub Inspector of Police
Thiruppathur Town Police Station
Vellore District
- 2 The Judicial Magistrate No.I
Thiruppathur
- 3 The Public Prosecutor
High Court of Madras
Chennai 600 104

(*) Corrected Order may be substituted to the order already despatched on 17.12.18

4 The Section Officer,
Criminal Section,
High Court, Madras.

(For reporting compliance of the Order by filing Photo copy of
the Order for payment of Rs.5000/-)

+1cc to Mr.R.Sasi Kumar, Advocate, S.R.No. 74544

Crl.O.P. No.23770 of 2018

NM(CO)
GN(19/11/2018)
CSL/27.03.2019



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