



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.1098 of 2018

1.Jinna Mohammed
2.Kalifullah

... Petitioners 1 & 2/Accused 1 & 2

(Cause title amended as per the order passed by this Court
dated 09.02.2018 vide Memo USR.No.384/2018 in
Crl.O.P.(MD).No.1098/2018)

-Vs-

1.State rep. by the Inspector of Police,
District Crime Branch,
Pudukkottai.
(Cr.No.18/2010)

... 1st Respondent/Complainant

2.Ziauddin

rep. by his power of attorney M.Saleem

... 2nd Respondent /Defacto Complainant

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.148 of 2015, pending on the file of the Judicial Magistrate Court, Alangudi and quash the same.

For Petitioner : Mr.S.S.S.Vasudevan

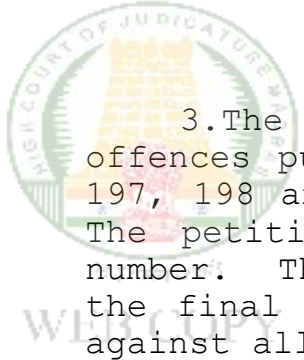
For Respondent No.1 : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate(Crl. Side)

For Respondent NO.2 : Mr.C.M.Marichellaiah Prabhu

O R D E R

This Criminal Original petition has been filed by the petitioner to quash the charge-sheet in C.C.No.148 of 2015, pending on the file of the Judicial Magistrate Court, Alangudi.

2.The petitioners are accused Nos.1 & 2 in Crime No.18 of 2010 on the file of the first respondent Police. The second respondent is the defacto complainant in the above said crime number.



3.The complaint in Crime No.18 of 2010 was registered for the offences punishable under Sections 120-B, 465, 467, 468, 420, 196, 197, 198 and 199 I.P.C on the file of the first respondent police. The petitioners are arrayed as accused in the above said crime number. The first respondent has investigated the matter and filed the final report before the learned Judicial Magistrate, Alangudi against all the accused and the same was taken on file in C.C.No.148 of 2015.

4.It appears that at the advise of the elders and friends, the petitioners and second respondent in both the cases have agreed to compromise the matter, out of Court.

5.Today, when the matter is taken up for hearing, the defacto complainant has filed a memo stating that after registering the case against the accused, the matter has been settled and hence, he has no objection to quash the case in C.C.No.148 of 2015 on the file of the Court of the Judicial Magistrate, Alangudi. He has further stated that he is not feeling well and hence, he is authorizing his brother-cum-owner, viz., Mr.M.Saleem on his behalf as power of attorney. He has filed a medical certificate to show his illness. The said memo is recorded.

6.The said Mr.M.saleem has also filed an affidavit stating that he has been appointed as power of attorney by the defacto complainant and the matter has been settled and as per the instructions of the second respondent/defacto complainant, he has signed in the compromise memo on behalf of the defacto complainant and he requested this court to quash the case in C.C.No.148 of 2015, on the file of the Judicial Magistrate Court, Alangudi, in view of the compromise entered into between the parties.

7.The parties appeared before this Court and expressed in unequivocal terms that they have signed in the Joint Compromise Memo on their own will and volition. The identities of the parties are verified with reference to the authenticated documents produced by the parties before this Court. The identities of the parties are also confirmed by the learned Government Advocate (Crl.Side) through the first respondent police.

8.Having regard to the agreement made between the parties, this Court is of the view that no useful purpose will be served by keeping this matter pending. As per the Compromise Memo signed by the parties, the de-facto complainant, namely, the second respondent has agreed to quash the proceedings in C.C.No.148 of 2015, on the file of the Judicial Magistrate Court, Alangudi. Hence the criminal proceedings in C.C.No.148 of 2015, on the file of the Judicial Magistrate Court, Alangudi are quashed in respect of these petitioners and the Joint Compromise Memo signed by the parties shall form part of the order.



9. Accordingly, this Criminal Original petition is allowed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

WEB COPY

Sub Assistant Registrar

Herewith enclosed the xerox copy of Joint Compromise Memo signed by the parties.

To

- 1.The Judicial Magistrate, Alangudi.
- 2.The Inspector of Police,
District Crime Branch,
Pudukkottai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.O.P.(MD)No.1098 of 2018
09.02.2018

vs

AM/SKN RSK/SAR 2/12.03.2018/3P/4C