



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.(MD) Nos.157 and 300 of 2018

Crl.O.P.(MD) No.157 of 2018

Ajith Kumar

...Petitioner/Accused No.1

-Vs-

1. The State represented by its,
The Inspector of Police,
Pudur Police Station,
Thoothukudi District,
(In Crime No.102 of 2015) ...1st Respondent/Complainant

2.Ramaraj ... 2nd Respondent/De-facto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the charge sheet in J.C.No.111 of 2015 on the file of the learned Juvenile Justice Board, Thoothukudi and quash the same as against the petitioner.

Crl.O.P.(MD) No.300 of 2018

1.Muthulingam
2.Sellakarungu
3.Alagu Pandi
4.Kasthuri
5.Ravichandran
6.Gurusamy

...Petitioners/Accused Nos.2 to 7

-Vs-

1. The State represented by its,
The Inspector of Police,
Pudur Police Station,
Thoothukudi District,
(In Crime No.102 of 2015) ...1st Respondent/Complainant

2.Ramaraj ... 2nd Respondent/De-facto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the charge sheet in S.C.No.9 of 2017 on the file of the learned Principal District & Sessions Judge (Special Court for PCR Cases), Tirunelveli and quash the same.



In both Crl.O.Ps:

For Petitioners

For R-1

For R-2

:Mr.R.Murugan,

:Mr.O.P.G.Ohm Chairma Prabhu

Government Advocate

:Mr.M.Chinnathambi

COMMON ORDER

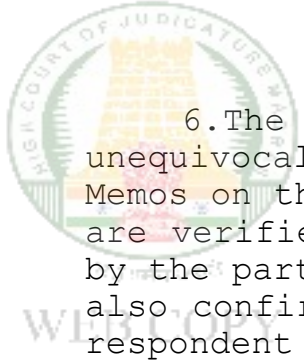
These Criminal Original petitions have been filed to quash the charge sheet in J.C.No.111 of 2015 on the file of the learned Juvenile Justice Board, Thoothukudi and to quash the the charge sheet in S.C.No.9 of 2017 on the file of the learned Principal District & Sessions Judge (Special Court for PCR Cases), Tirunelveli, as against the petitioners.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the first respondent and the learned counsel appearing for the second respondent.

3.The petitioner in Crl.OP(MD) No.157 of 2018 is the first accused in Crime No.102 of 2015 and similarly, the petitioners in Crl.OP(MD) No.300 of 2018 are the accused Nos.2 to 7 in Crime No.102 of 2015. The second respondent in both the petitions is the defacto complainant in the above said crime number.

4.The complaint in Crime No.102 of 2015 was registered for the offences punishable under Sections 147, 148, 294(b), 323, 324 & 506 (ii) I.P.C and 3(i) (x) of Prevention of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, 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, Vilathikulam against all the seven accused, including the juvenile Ajith Kumar/1st accused. Thereafter, the said case was committed for trial before the learned Principal District and Sessions Judge (Special Court for PCR Cases), Tirunelveli. In respect of the juvenile, the case was split up and the same is pending on the file of the learned Juvenile Justice Board, Thoothukudi in J.C.No.111 of 2015.

5.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. Joint Compromise Memos, dated 06.12.2017, are also filed to that effect. As per the Joint Compromise Memos, the de-facto complainant, namely, the second respondent, in both cases, have given his consent to quash the entire proceedings in J.C.No.111 of 2015, on the file of the learned Juvenile Justice Board, Thoothukudi and in S.C.No.9 of 2017 on the file of the learned Principal District & Sessions Judge (Special Court for PCR Cases), Tirunelveli.



6.The parties appeared before this Court and expressed in unequivocal terms that they have signed in the Joint Compromise Memos 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 through the first respondent police.

7.Having regard to the agreement made between the parties, this Court is of the view that no useful purpose will be served by keeping these matters pending. As per the Compromise Memos signed by the parties, the de-facto complainant, namely, the second respondent in both cases have agreed to quash the proceedings in J.C.No.111 of 2015 and S.C.No.9 of 2017. Hence the criminal proceedings in J.C.No.111 of 2015 on the file of the learned Juvenile Justice Board, Thoothukudi and in S.C.No.9 of 2017 on the file of the learned Principal District & Sessions Judge (Special Court for PCR Cases), Tirunelveli are quashed in toto and the Joint Compromise Memos signed by the parties shall form part of the order.

8. Accordingly, these Criminal Original petitions are allowed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar.

Herewith enclosed the xerox copy of Joint Compromise Memos

To

1.The Juvenile Justice Board, Thoothukudi.

2.The Principal District and Sessions Judge
(Special Court for PCR Cases), Tirunelveli.

3.The Inspector of Police,
Pudur Police Station,
Thoothukudi District.

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

Crl.O.P.(MD) Nos.157 and 300 of 2018
10.01.2018

VS