



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.(MD) No.2100 of 2018

Mohamed Azharudheen @ Sajimohan

... Petitioner/
Sole Accused

-Vs-

1.The State Represented by
The Inspector of Police,
Colachel Police Station,
Kanniyakumari District.
(Crime No.395 of 2016)

... Respondent/Complainant

2.Mr.Ravi

... Respondent/ Defacto Complainant

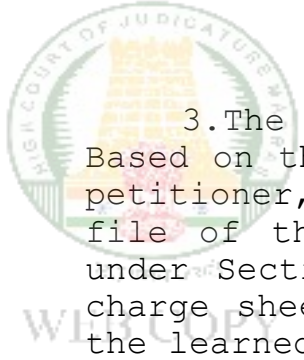
Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the C.C.No.09 of 2018 on the file of the Judicial Magistrate, Eraniel, Kanniyakumari District in Crime No.395 of 2016 dated 03.10.2016 on the file of the first respondent police for alleged offences under Sections 341, 294(b), 323 and 506(i) IPC to quash the same as illegal.

For Petitioner : Mr.D.Balamurugapandi
For 1stRespondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.side)
For 2nd Respondent : Mr.M.Vigneshkumar

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the C.C.No.09 of 2018 on the file of the Judicial Magistrate, Eraniel, Kanniyakumari District in Crime No.395 of 2016 dated 03.10.2016 on the file of the first respondent police for alleged offences under Sections 341, 294(b), 323 and 506(i) IPC to quash the same as illegal.

2.Heard the learned counsel appearing for the petitioner, learned Government Advocate (Crl.side) appearing for the first respondent and the learned counsel appearing for the second respondent.



3.The petitioner is the sole accused in Crime No.395 of 2016. Based on the complaint lodged by the second respondent, against the petitioner, the case was registered in Crime No.395 of 2016, on the file of the first respondent police, for the offences punishable under Sections 341, 294(b), 323 and 506(i) IPC. After filing the charge sheet, the case was taken on file in C.C.No.09 of 2018, by the learned Judicial Magistrate, Eraniel, Kanniyakumari District.

4.It appears that on the advice of friends and elders, the parties have entered into compromise and a Joint Compromise Memo, signed by both parties, in the presence of their respective counsel, is also filed. As per the Joint Compromise Memo, the de-facto complainant, namely, the second respondent has agreed to quash the Charge Sheet in C.C.No.09 of 2018 on the file of the learned Judicial Magistrate, Eraniel, Kanniyakumari District.s

5.The parties have 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 Government Advocate (CrI.side) through the first respondent police.

6.Having regard to the specific terms of the Joint Compromise Memo, this Court is of the view that no useful purpose will be served by keeping this matter pending. Hence the Charge Sheet in C.C.No.09 of 2018, on the file of the learned Judicial Magistrate, Eraniel, Kanniyakumari 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.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

Enclosure: The Joint Compromise Memo

1.The Judicial Magistrate,
Eraniel,
Kanniyakumari District.

2. The Inspector of Police,
Colachel Police Station,
Kanniyakumari District.



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

+1cc to M/S.D.Balamurugapandi, Advocate SR.No. 47975

Cr1.O.P.(MD) No.2100 of 2018
12.02.2018

CP
JM/SKN RSK/SAR 4/14.03.2018/3P/5C