



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:13.03.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAMCr1.O.P.(MD) No. 3890 of 2018

1.Sudalaikumar
2.Murugan
3.Muthukumar

... Petitioners /A1 to A3

-Vs-

1.The State represented by
The Inspector of Police,
Kottar Police Station,
Nagercoil.
In Cr.No.668/2017 ... 1st Respondent/ Complainant

2.Ajithkumar ... 2nd Respondent / De-facto complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in pursuant to the charge sheet in C.C.No.216 of 2017 on the file of the 2nd Additional Judicial Magistrate, Nagercoil, dated 15.11.2017 and quash the same.

For Petitioners	:Mr.S.Micheal Heldon Kumar
For R-1	:Mr.A.P.G.Ohm Chairma Prabhu Government Advocate (Cr1. Side).
For R-2	:Mr.M.Arumugam

O R D E R

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.216 of 2017 on the file of the 2nd Additional Judicial Magistrate, Nagercoil, dated 15.11.2017

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

3.The petitioners are Accused Nos.1 to 3 in Cr.No668 of 2017. Based on the complaint lodged by the second respondent, against the petitioners, a case was registered in Crime No.668 of 2017, on the file of the first respondent police, for the offences punishable under Sections 341, 294(b) and 387 I.P.C. After filing the charge sheet, the case was taken on file in C.C.No.216 of 2017, by the learned 2nd Additional Judicial Magistrate, Nagercoil.



4.It appears that at 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 case in C.C.No.216 of 2017.

5.The parties 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 (Criminal 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 or fruitful purpose will be served by keeping this matter pending. Hence the case in C.C.No.216 of 2017, pending on the file of the learned 2nd Additional Judicial Magistrate, Nagercoil, is quashed in respect of these petitioners. 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(AS)

/True copy/

Sub Assistant Registrar

XEROX COPY OF JOINT COMPROMISE MEMO ENCLOSED

To

1. The 2nd Additional Judicial Magistrate, Nagercoil

2.The Inspector of Police,
Kottar Police Station,
Nagercoil.

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

+1CC TO M/S.S.MICHEAL HELDON KUMAR, ADVOCATE, SR NO.55184

Cr1.O.P.(MD) No. 3890 of 2018

13.03.2018

VS

<https://hcservices.ecourts.gov.in/hcservices/>

MS/SV-MMS/SAR-1/05.04.2018/2P.5C