



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2018

CORAM

THE HONOURABLE MR.JUSTICE **P.RAJAMANICKAM**

WEB COPY

Crl.O.P.(MD) No.4050 of 2018

R.Saravanakumar

..Petitioner/ Sole Accused

-Vs-

1. The State Rep by
The Inspector of Police,
Kulathur Police Station,
Thoothukudi District.

... 1st Respondent / Complainant

2.Seeniyammal

... 2nd Respondent/ Defacto
Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertains to the proceedings in PRC No.2 of 2015, on the file of the Judicial Magistrate, Vilathikulam and quash the same as illegal and arbitrary.

For Petitioner : Mr.V.Nirmal Kumar

For Respondents : Mr.A.P.G.Ohm Chairma Prabhu (Crl.side
Government Advocate (for R1)
Mr.T.K.Akalya (for R2)

ORDER

The Criminal Original Petition has been filed to call for the records in PRC No.2 of 2015, on the file of the Judicial Magistrate, Vilathikulam and quash the same.

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.138 of 2014. Based on the complaint lodged by the second respondent, a case was registered for the offence punishable under Sections 294(b), 452, 307 and 506(ii) IPC and subsequently altered under Sections 450, 307 and 506(ii) IPC and charge sheet has also been filed. Based on the said charge sheet the learned Judicial Magistrate, Vilathikulam, has taken the case on file as PRC.No.2 of 2015 and the same is pending.



4.It appears that the petitioner and the second respondent, namely, the de-facto complainant have settled their dispute amicably out of Court and they have also entered into a compromise, on the advise of elders and their relatives. A Joint Compromise Memo, signed by both parties, in the presence of their respective counsel, is also produced before this Court. As per the Joint Compromise Memo, the de-facto complainant, namely, the second respondent, has no objection for quashing the proceedings in PRC.2 of 2015 on the file of the learned Judicial Magistrate, Vilathikulam, against the petitioner herein.

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 (Crl.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 proceedings in PRC.No.2 of 2015 on the file of the learned Judicial Magistrate, Vilathikulam , against the petitioner herein, is quashed. 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(CO)

/True Copy/

Sub Assistant Registrar

Encl: Xerox copy of Joint Compromise Memo

To

1. The Judicial Magistrate,
Vilathikulam.

2. The Inspector of Police,
Kulathur Police Station,
Thoothukudi District.

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

+1cc to Mr.V.Nirmal Kumar, Advocate Sr.No.56878

RMK

VB/SV/MMS/SAR4/05.04.2018/2P/5C