



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2018

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

Crl.O.P.(MD) No.4185 of 2018

1.Lakshmanan

2.Sureshkumar

..Petitioners/ Accused Nos.1 & 2

-Vs-

1. The State of Tamil Nadu rep by the
Sub Inspector of Police,
Aaralvaimozhi Police Station,
Kanyakumari District.
(Cr.No.442/2010)

... Respondent/ Complainant

2.Arunachalam

... Respondent/ Defacto
Complainant

3.Ulagammal @ Shanthi

4.Krishnan

... Respondent/ Witness P.W.2 & 3

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to C.C.No.17 of 2011 on the file of Judicial Magistrate, Boothapandi, Kanyakumari District and quash the same.

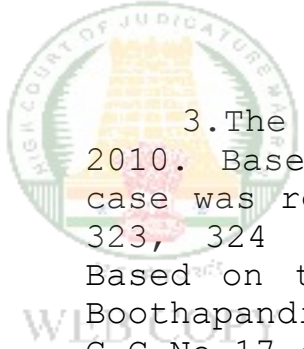
For Petitioners : Mr.N.Dilip Kumar

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

ORDER

The Criminal Original Petition has been filed to call for the records in C.C.No.17 of 2011 on the file of Judicial Magistrate, Boothapandi, Kanyakumari District and quash the same.

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



3.The petitioners are accused Nos.1 & 2 in Crime No.442 of 2010. Based on the complaint lodged by the second respondent, a case was registered for the offence punishable under Sections 452, 323, 324 & 506(ii) IPC and charge sheet has also been filed. Based on the said charge sheet the learned Judicial Magistrate, Boothapandi, Kanyakumari District has taken the case on file as C.C.No.17 of 2011 and the same is pending.

4.It appears that the petitioners 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 C.C.No.17 of 2011 on the file of the learned Judicial Magistrate, Boothapandi, Kanyakumari District against the first and second accused.

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 C.C.No.17 of 2011 on the file of the learned Judicial Magistrate, Boothapandi, Kanyakumari District, against the first and second accused alone, 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/-

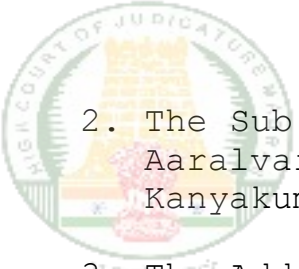
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

Encl: Xerox copy of Joint Compromise Memo
To

1. The Judicial Magistrate,
Boothapandi,
Kanyakumari District.



2. The Sub Inspector of Police,
Aaralvaimozhi Police Station,
Kanyakumari District.

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

+ 1 cc TO Mr.N.Dilip Kumar , Advocate in SR No. 56890

rmk

AE/SV MMS/SAR1/13.04.2018/3P/5C

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21.03.2018