



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.04.2018

CORAM
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P.(MD) No.4440 of 2018

Sivakumar .. Petitioner/Accused No.2

vs.

1.State rep.by
The Inspector of Police,
Papanadu Police Station,
Thanjavur District,
Crime No.178 of 2013. .. 1st Respondent/Complainant

2.Radha .. 2nd Respondent/Defacto Complainant

Petition is filed under Section 482 of Code of Criminal Procedure to call for the entire records pertaining to the case in C.C.No.53 of 2015 on the file of the District Munsif - cum - Judicial Magistrate, Orathanadu, Thanjavur District and to quash the same as against the Petitioner.

For Petitioner : Mr.M.Pitchaimuthu
For R1 : Mr.A.Robinson
Government Advocate (Crl.side)
For R2 : Mr.P.Maharaja

O R D E R

This petition has been filed seeking to quash the charge sheet laid in C.C.No.53 of 2015 on the file of the District Munsif - cum - Judicial Magistrate, Orathanadu, Thanjavur District, pursuant to the amicable settlement effected between the parties.

2. On the complaint lodged by the second respondent herein, the first respondent police registered a case in Crime No.178 of 2013 and after completion of investigation, had filed a final report in C.C.No.53 of 2015, before the District Munsif - cum - Judicial Magistrate, Orathanadu, Thanjavur District, for the offences punishable under Sections 294(b), 342, 352, 354, 324, 326 and 506 (ii) IPC r/w 34 IPC, challenging the same, the petitioner/accused No.2 and the *defacto* complainant are before this Court for quashing the final report laid against the petitioner on the ground that they have arrived at a compromise.

3. Today, when the matter is taken up for hearing, the *defacto* complainant, Radha is present and the accused is also present and their identifications were also verified by this Court, in addition



to the confirmation of the identity of the parties, learned counsel appearing for the parties also endorsed the identity of their respective parties.

4. The petitioner and the second respondent have filed a joint compromise memo dated 14.03.2018, in which, it has been stated as follows:

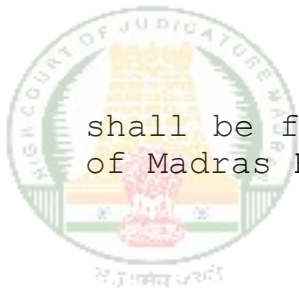
"3. During pendency of the proceedings, the 2nd respondent has realised that she has instituted the present case against the petitioner out of frustration. Now she realised her mistake. Hence, the 2nd respondent/defacto complainant do not want to proceed the case further as against the petitioner. The petitioner as well as the 2nd respondent are neighbours, hence, at the intervention of the family elders they have sat together and thought of purchase a peace. Therefore, they have entered into a compromise and mutually agreed to solve the problem amicably at the instance of the family elders. The 2nd respondent/defacto complainant also has no objection in allowing the present quash petition. Therefore, in view of the amicable settlement between the parties, the 2nd respondent express her willing to say no objection before this Hon'ble Court through this joint compromise memo for the purpose of quashing the entire proceedings as mentioned above.

The petitioner as well as 2nd respondent therefore, pray that this Hon'ble Court may be pleased to take into consideration of the present joint compromise memo and based upon the same proceeding in C.C.No.53 of 2015 on the file of the District Munsif - cum - Judicial Magistrate, Orathanadu, Thanjavur District may be quashed as against the petitioner."

5. In view of the joint memo of compromise dated 14.03.2018, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, the entire proceedings in C.C.No.53 of 2015 on the file of the District Munsif - cum - Judicial Magistrate, Orathanadu, Thanjavur District, in respect of the petitioner/accused No.2 are hereby quashed.

6. Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. The joint compromise memo dated 14.03.2018 shall form part of this order.

7. The petitioner is directed to pay a sum of Rs.3,000/- (Three thousand rupees) to the Mediation and Conciliation Centre attached to this Bench within a period of two weeks from the date of receipt of a copy of this order. After making payment, a copy of the challan



shall be furnished to the Registrar (Administration), Madurai Bench of Madras High Court, Madurai.

Sd/
Assistant Registrar(P&A)

/True copy/

WEB COPY

Sub Assistant Registrar

ENCL:Xerox Copy of Compromise Memo.

To:

- 1.The District Munsif - cum - Judicial Magistrate,
Orathanadu, Thanjavur District.
- 2.The Inspector of Police,
Papanadu Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

- 1.The Registrar(Admin),
Madurai Bench of Madras High Court,
Madurai.
- 2.The Deputy Registrar(Lok Adalat/Mediation & Concillation Centre)
Madurai Bench of Madras High Court,
Madurai.

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06.04.2018

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KK/SKN RSK/23.04.2018/SAR-2/3P-6C