



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.03.2018

CORAM

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.(MD) No.4539 of 2018

L.Muralidharan

..Petitioner/ Accused No.1

-Vs-

1.The Inspector of Police,
District Crime Branch,
Sivagangai.
(Ref.Cr.No.27/2007)

... 1st Respondent/ Complainant

2.C.Sundararajan

... 2nd Respondent/ Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the proceedings in C.C.No.72 of 2009 on the file of the District Munsif cum Judicial Magistrate, Thiruppathur, Sivagangai District and quash all further proceedings as against these petitioners.

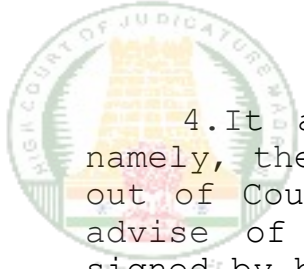
For Petitioner	: Mr.N.V.Nagenthran
For Respondents	: Mr.Ohm Chairma Prabhu (Crl.side) Government Advocate (for R1) Mr.A.Ramakrishnan (for R2)

ORDER

The Criminal Original Petition has been filed to call for the records in C.C.No.72 of 2009 on the file of the learned District Munsif-cum-Judicial Magistrate, Thiruppathur, Sivagangai District 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 accused No.1 in Crime No.27 of 2007. Based on the complaint lodged by the second respondent, a case was registered for the offence punishable under Section 420 IPC and charge sheet has also been filed. Based on the said charge sheet the learned District Munsif-cum-Judicial Magistrate, Thiruppathur, Sivagangai District has taken the case on file as C.C.No.72 of 2009 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 C.C.No.72 of 2009 on the file of the learned District Munsif-cum-Judicial Magistrate, Thiruppathur, Sivagangai District against the first 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.72 of 2009 on the file of the learned District Munsif-cum-Judicial Magistrate, Thiruppathur, Sivagangai District, against the first 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(CS-III)

/True Copy/

Sub Assistant Registrar

To

Enclosure : Joint Compromise Affidavit (Xerox Copy)

- 1.The District Munsif-cum-Judicial Magistrate,
Thiruppathur, Sivagangai District.
- 2.The Inspector of Police,
District Crime Branch,
Sivagangai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+2cc to M/S.N.V.Nagenthiran, Advocate SR.No. 56809

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