



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRL.O.P. (MD)No.4628 of 2018

WEB COPY

1.S.Ponnusamy
2.Kutti @ Balamurugan
3.Jothimanickam
4.Rajalingam

: Petitioners / Accused Nos.1 to 4

-Vs-

1.State, represented by
The Inspector of Police,
K.Pudur Police Station,
Madurai City.

: Respondent/ Complainant

2.M.Rajesh

: Respondent/ Defacto Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the charge sheet in C.C.No.2 of 2017 on the file of the learned Judicial Magistrate No.VI, Madurai and quash the same.

For Petitioners : Mr.M.Kumar

For R1 : K.Prabhu Ramachandran
Government Advocate (Crl. Side)

For R2 : Mr.R.Rajesh

O R D E R

On the complaint lodged by one M.Rajesh , the first respondent police has registered a case in Cr.No.1447 of 2016 and the investigation has been completed and charge sheet has been filed in C.C.No.2 of 2017 before the Judicial Magistrate No.VI, Madurai, under Sections, 324, 427 and 506(ii) of IPC against the petitioners herein, for quashing which, the petitioner and the defacto complainant are before this Court on the ground that they have arrived at a compromise.

2. Today, when the matter was taken up for hearing, Sub-Inspector of Police, K.Pudur Police Station, Madurai District is present. The defacto complainant and the petitioners are present and their identifications were also verified by this Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate (Criminal side) through Sub-Inspector of Police, K.Pudur Police Station, Madurai District.



3. The petitioners and the second respondent have filed a joint compromise memo dated 12.9.2017, wherein, it is stated as follows:

"The first party is the petitioners/Accused persons and the second party is the 2nd respondent/De-facto complainant. The second party has laid a complaint against First party and the same was registered in Crime No.1446 of 2016 for the offences under Sections 324, 427 and 506(ii) of I.P.C. Subsequently, charge sheet has been filed by the 1st respondent police in C.C.No.2 of 2017 before the Learned Judicial Magistrate No.VI, Madurai. Now the petitioners/accused namely S.Ponnusamy (A-1), Kutti @ Balamurugan (A-2), Jothimanickam (A-3), Rajalingam (A-4) and the 2nd respondent/de facto complainant are amicably settled our differences. The second party aware of the contents of the above quash petition in Crl.O.P.No. Of 2018. Since the matter in issue is settled between the two parties, the Second party-de-facto complainant has endorsed no objection for quashing the above C.C.No.2 of 2017 on the file of the Learned Judicial Magistrate NO.VI, Madurai against all the accused namely S.Ponnusamy (A-1), Kutti @ Balamurugan (A-2), Jothimanickam (A-3), Rajalingam (A-4) and the second party/defacto complainant have accord her concurrence to as order in favour of the petitioners in the above Criminal Original Petition.

Therefore the petitioners and the 2nd respondent herein respectfully pray that this Hon'ble Court may be pleased to record the memo of compromise and the complaint in C.C.No.2 of 2017 on the file of the Learned Judicial Magistrate No.VI, Madurai shall be quashed and thus render justice."

4. In view of the above, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, this petition is allowed and the entire proceedings in C.C.No.2 of 2017, on the file of the Judicial Magistrate No.VI, Madurai in respect of petitioners/accused Nos.1 to 4 alone, is quashed. The joint compromise memo dated 12.09.2017 shall form part of this order.

5. At the instance of the learned counsel for the petitioners, the petitioners themselves voluntarily came forward to contribute some amount to the Mediation and Conciliation Centre attached to this Bench.

6. Accepting the submission, the petitioners are directed to pay a sum of Rs.500/- (Rupees Five Hundred only), each to the Mediation and Conciliation Centre, attached to this Bench under the head of Infrastructure Funds, within a period of two weeks from



today. After making payment, a copy of the challan shall be furnished to the Registrar (Administration), Madurai Bench of Madras High Court, Madurai.

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/True Copy/

Sd/-
Assistant Registrar(T&P)

Sub Assistant Registrar

Encl.: A Xerox copy of the Joint Compromise Memo

To

1. The Judicial Magistrate No.VI,
Madurai.
2. The Inspector of Police,
K.Pudur Police Station,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Registrar (Administration),
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.M.KUMAR, Advocate, S.R.No.60807

Order made in
CRL.O.P.(MD) No.4628 of 2018
Dated:11.04.2018

am
SH/JC/SAR-3: 02.05.2018:3P/6C