



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRL.O.P. (MD) No. 5322 of 2018

WEB COPY

1. J. Max @ Maxsimillan
 2. A. Jenil @ Kenil Raj
 3. Asoke @ Jose Asoke
 4. A. Linsin (Alis) Ajaye
 5. J. Michael Raj Jerone (Alis) Ajan
 6. Muli Josapath @ Josapath .. Petitioners/Accused Nos. 1 to 6
- Vs.

1. The Deputy Superintendent of Police,
Nagercoil,
Kanyakumari District.

2. The Inspector of Police,
Vellisanthai Police Station,
Kanyakumari District.
(Crime No. 197 of 2015)

3. T. Emmagulated

.. Respondents 1 & 2/Complainant
.. 3rd Respondents/Defacto
Complainant

Petition is filed under Section 482 of the Criminal Procedure Code to call for the records relating to the FIR in Crime No. 197 of 2015 dated 09.07.2015 under Sections 147, 294(b), 323, 506(ii) IPC pending before the Eranyal Magistrate Court, Kanyakumari District on the basis of the joint compromise memo filed by the petitioners and third respondent.

For Petitioners	: Mr. K. Ramamurthy
For R1 & R2	: Mr. A. Robinson
	Government Advocate (Crl. side)
For R3	: Mr. V. Ramesh

O R D E R

On the complaint lodged by the third respondent herein, the second respondent police has registered a case in Crime No. 197 of 2015 for the offence punishable under Sections 147, 294(b), 323 and 506(ii) IPC against the petitioners herein and the same is now pending before the Eraniyal Magistrate Court, Kanyakumari District and in order to quash the same, the petitioners 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, the *defacto* complainant/third respondent herein and the petitioners are present in the Court and their identifications were verified by this Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate (Criminal side). Learned counsel



appearing for the parties also endorsed the identity of their respective parties.

3. The petitioners and the third respondent have filed a joint compromise memo dated 28.03.2018 and in the affidavit filed in the petition, it is stated as follows:

"5. At the intervention of the older family members of the either family, the petitioners and 3rd respondent have amicably settled the issue between themselves particularly for the benefit of family. The 3rd respondent is now willing to withdraw her complaint lodged against the petitioners as the petitioners tender unconditional apologize before the entire family members. Therefore, both not willing to proceed the issue further and both wants to give quietus to the entire issue and to proceed any further untoward incidents, as both the petitioners and 3rd respondent are neighbours belong to the same village and residing nearby.

6. The 3rd respondent has now filed separate affidavit before this Hon'ble Court stating this willingness to settle the matter amicably and both have also consciously fixed their signature in the joint compromise memo filed along with this quash petition before this Hon'ble Court and in view of the joint compromise memo as well as on the afore said affidavit of the defacto complainant dated 09.07.2015, no further adjudication or progress is required in the above matter.

It is therefore, prayed that this Hon'ble Court may be pleased to call for the records and quash the FIR in Crime No.197 of 2015 dated 09.07.2015 under Sections 147, 294(b), 323, 506(ii) IPC pending before the Eranyal Magistrate Court, Kanyakumari District on the basis of the joint compromise memo filed by the petitioners and third respondent."

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 Crime No.197 of 2015 on the file of the Eranyal Magistrate Court, Kanyakumari District in respect of the petitioners are hereby quashed. The joint compromise memo dated 28.03.2018 shall form part of this order.

Sd/
Assistant Registrar (AS)

/True copy/



Encl:Xerox Copy of Joint Compromise Memo.
To

1.The Eranyal Magistrate Court,
Kanyakumari District.

2.The Deputy Superintendent of Police,
Nagercoil,
Kanyakumari District.

3.The Inspector of Police,
Vellisanthai Police Station,
Kanyakumari District.

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

+1cc to Mr.K.Ramamurthy, Advocate, SR.No. 60147

CRL.O.P. (MD) No.5322 of 2018
06.04.2018

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