



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2018

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THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.(MD) Nos.15032 and 17442 of 2017 and 1932 of 2018
and
Crl.M.P.(MD).Nos.9992 and 9993 of 2017
in Crl.O.P.(MD).No. 15032 of 2017
and
Crl.M.P.(MD).Nos.11448 and 11449 of 2017
in Crl.O.P.(MD).No.17442 of 2017
and
Crl.M.P.(MD).Nos.831 and 832 of 2018
in
Crl.O.P.(MD).No.1932 of 2018

Crl.O.P.(MD) No.15032 of 2017

Monisha

... Petitioner/Accused No.2

-Vs-

1. The State represented by its,
The Sub-Inspector of Police,
Tirumangalam Town Police Station,
Madurai District,
(Crime No.178 of 2016) ...1st Respondent/Complainant

2.J.Deepa ... 2nd Respondent/De-facto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the charge sheet in C.C.No.136 of 2017 on the file of the Judicial Magistrate, Tirumangalam and quash the same as against this petitioner as illegal.

For Petitioner :Mr.K.Kulanthai Vikram

For R-1 :Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

For R-2 :Mr.S.M.A.Jinnah



Crl.O.P.(MD) No.17442 of 2017

- 1.Parasuraman
- 2.Lakshmi
- 3.Deepa @ Jeeva
- 4.Ramalakshmi

...Petitioners/Accused Nos.1 to 4

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-Vs-

1. The State represented by its,
The Deputy Superintendent of Police,
Tirumangalam Division,
Tirumangalam,
Madurai District.
- 2.The Inspector of Police,
Tirumangalam Town Police Station(L&O),
Madurai District.
(In Cr.No.177/2016)

...Respondents/Complainants

- 3.Mrs.Tamilselvi

... Respondent/De-facto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the charge sheet in Spl.C.C.No.80 of 2017 on the file of the learned III Additional District and Sessions Judge, PCR, Madurai and quash the same.

For Petitioner	:Mr.S.M.A.Jinnah
For R-1 & R-2	:Mr.A.P.G.Ohm Chairma Prabhu Government Advocate (Crl.Side)
For R-3	:Mr.P.Banu Prasad

Crl.O.P.(MD) No.1932 of 2018

Tamilselvi ...Petitioner/Accused No.1
-Vs-

1. The State represented by its,
The Sub Inspector of Police,
Tirumangalam Town Police Station,
Madurai District. ... 1st Respondent/Complainant

2. J.Deepa ... 2nd Respondent/De-facto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the charge sheet in C.C.No.136 of 2017 on the file of the learned Judicial Magistrate, Tirumangalam and quash the same.

For Petitioner:	Mr.K.Kulanthai Vikram
For R-1	:Mr.A.P.G.Ohm Chairma Prabhu Government Advocate
For R-2	:Mr.S.M.A.Jinnah

COMMON ORDER

These Criminal Original petitions have been filed to quash the charge sheet in C.C.No.136 of 2017 on the file of the Judicial Magistrate, Tirumangalam and to quash the charge sheet in Spl.C.C.No.80 of 2017 on the file of the learned III Additional District and Sessions Judge, PCR, Madurai as against the petitioners.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the official respondents and the learned counsel appearing for the respondent/defacto complainant.

3.The petitioner in Crl.OP(MD) No.15032 of 2017 is the second accused in Crime No.178 of 2016 and the petitioner in Crl.OP (MD) No.1932 of 2018 is the accused No.1 in the same crime number. The second respondent in both the petitions is the defacto complainant in the above said crime number. Likewise, the petitioners in Crl.O.P.(MD).No.17442 of 2017 are accused Nos.1 to 4 in Crime No.177 of 2016.

4.The complaint in Crime No.178 of 2016 was registered for the offences punishable under Sections 294(b), 323, 355 and 506(i) I.P.C on the file of the first respondent police in Crl.O.P.(MD). Nos.15032 of 2017 and 1932 of 2018. The petitioners in both petitions are arrayed as accused in the above said crime number. Similarly, the complaint in Crime No.177 of 2016 was registered for the offences punishable under Sections 294(b) and 506(i) I.P.C and 3 (1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The respondent police has investigated the matter in Cr.No.178 of 2016 and filed the final report before the learned Judicial Magistrate, Thirumangalam in C.C.No.136 of 2017 against the petitioners/accused in Crl.O.P.(MD).Nos.15032 of 2017 and 1932 of 2018. Similarly in Cr.No.177 of 2016, after completing the investigation, the respondent police has filed charge sheet in Spl.C.C.No.80 of 2017 on the file of the learned III Additional District and Sessions Judge, PCR, Madurai against the petitioners in Crl.O.P.(MD).No.17442 of 2017.

5.It appears that at the advise of the elders and friends, the petitioners and defacto complainant in all the three cases have agreed to compromise the matter, out of Court. Joint Compromise Memos, dated 20, February, 2018, are also filed to that effect. As per the Joint Compromise Memos, the de-facto complainant, in all the three cases, have given their consent to quash the proceedings in C.C.No.136 of 2017 on the file of the Judicial Magistrate, Tirumangalam and to quash the proceedings in Spl.C.C.No.80 of 2017 on the file of the learned III Additional District and Sessions Judge, PCR, Madurai.

6.At this juncture, the learned counsel for the petitioner in Crl.O.P.(MD).No.15032 of 2017 has requested this Court that para



No.4 of the joint compromise memo filed in CrI.O.P.(MD).No.15032 of 2017 may be taken into consideration, while disposing of the petition. Para No.4 of the joint compromise memo filed in CrI.O.P.(MD).No.15032 of 2017 reads as under:-

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"4.It is submitted that as far as the petitioner is concerned as the 2nd respondent herself has realized the fact that despite her non-involvement, because of the scenario that has been prevailed at that point of time, she was made to be included in this case, she has now come forward to make it very clear that she is no way concerned with the accusation referred to in the present case and further the 2nd respondent has sensed the said fact as an additional factum to decide the solution of compromise. Hence, the petitioner and the 2nd respondent would jointly make a request before this Hon'ble Court through this compromise memo that neither the registration of the said FIR and charge sheet nor the consequences arose therefrom would not be taken as an adverse impacting factor in the petitioner's future career as well as upon her service."

7.The parties appeared before this Court and expressed in unequivocal terms that they have signed in the Joint Compromise Memos on their own will and volition. The identities of the parties are verified with reference to the authenticated documents produced by the parties before this Court. The identities of the parties are also confirmed by the learned Government Advocate (CrI.Side) through the respondent police.

8.Having regard to the agreement made between the parties, this Court is of the view that no useful purpose will be served by keeping these matters pending. As per the Compromise Memos signed by the parties, the de-facto complainant in all the three cases have agreed to quash the proceedings in C.C.No.136 of 2017 on the file of the Judicial Magistrate, Tirumangalam and to quash the proceedings in Spl.C.C.No.80 of 2017 on the file of the learned III Additional District and Sessions Judge, PCR, Madurai. Accordingly, the entire proceedings in C.C.No.136 of 2017 on the file of the learned Judicial Magistrate, Tirumangalam and the entire proceedings in Spl.C.C.No.80 of 2017 on the file of the learned III Additional District and Sessions Judge, PCR, Madurai in respect of the petitioners are quashed and the Joint Compromise Memos signed by the parties shall form part of the order.

9. Accordingly, these Criminal Original petitions are allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CrI.Side)

/True Copy/



**Herewith enclosed the xerox copy of the Joint Compromise Memos
(3 Nos)**

To

- 1.The III Additional District and Sessions Judge, PCR,
Madurai
 - 2.The Judicial Magistrate, Tirumangalam
 - 3.The Deputy Superintendent of Police,
Tirumangalam Division,
Tirumangalam,
Madurai District.
 - 4.The Inspector of Police,
Tirumangalam Town Police Station,
Madurai District.
 - 5 The Sub Inspector of Police, Tirumangalam Town Police Station,
Madurai District.
 - 6.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.
- +2CC to Mr.K.Kulanthai Vikram, Advocate, SR.No. 53172 & 53173
+3CC to Mr.S.M.A.Jinnah, Advocate, SR.No. 53400, 53401 & 53402
+1CC to Mr.P.Banu Prasath, Advocate, SR.No. 53171

Cr1.O.P.(MD) Nos.15032 and 17442 of 2017 and 1932 of 2018

vs

AM/SKN RSK/SAR 3/07.03.2018/5P/13C