



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2018

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THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.(MD)Nos.864 of 2017 and 4051 of 2018
and

Crl.M.P.(MD)Nos.749, 750 of 2017 and 1979 of 2018

1.Soman
2.Vasuki
3.Parkavi..Petitioners/Accused No.2 to 4
in Crl.O.P.(MD)No.864 of 2017

Senthoor Bharathi

..Petitioner/Accused No.1
in Crl.O.P.(MD)No.4051 of 2018

-Vs-

1.The Inspector of Police,
Karaikudi All Women Police Station,
karaikudi,
Sivagangai District.
(Crime No.17 of 2016).. Respondent/Complainant
in both Crl.O.Ps

2.Nithiya Kalyani

.. Respondent/Defacto Complainant
in both Crl.O.Ps.

Common Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the Charge Sheet in C.C.No.338 of 2016 on the file of the learned Principal District Munsif cum Judicial Magistrate, Karaikudi and quash the same as against the petitioners.

For Petitioners : Mr.V.Kannan
(In both Crl.O.Ps)For R-1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate(Crl.side)
(In both Crl.O.Ps)For R-2 : Mr.G.Mariappan
(In Crl.O.P(MD)No.864 of 2017)For R-2 : Mr.A.Bhaskaran
(In Crl.O.P(MD)No.4051 of 2018)

COMMON ORDER

These Criminal Original petitions in CrI.OP(MD)No.864 of 2017 and CrI.OP(MD)No.4051 of 2018 have been filed to quash the C.C.No.338 of 2016 on the file of the Principal District Munsif cum Judicial Magistrate, Karaikudi, as against the petitioners.

2.Heard the learned counsel appearing for the petitioners, learned Government Advocate (CrI.side) appearing for the first respondent and the learned counsel appearing for the second respondent.

3.The petitioners in CrI.OP(MD)No.864 of 2017 are the accused Nos.2 to 4 in Crime No.17 of 2016 and similarly the petitioner in CrI.OP(MD)No.4051 of 2018 is the accused No.1 in Crime No.17 of 2016. Based on the complaint lodged by the second respondent, against the petitioners, the case was registered in Crime No.17 of 2016, on the file of the first respondent police, for the offences punishable under Sections 498(A), 406 and 506(i) of I.P.C and 3 of Dowry Prohibition Act and 4 of T.N.P.H.W Act. After filing the charge sheet, the case was taken on file in C.C.No.338 of 2016, by the learned Principal District Munsif cum Judicial Magistrate, karaikudi.

4.It appears that on the advice of friends and elders, the parties have entered into compromise and a Joint Compromise Memo, signed by both parties, in the presence of their respective counsel, is also filed. As per the Joint Compromise Memo, the de-facto complainant, namely, the second respondent has agreed to quash the Charge Sheet in C.C.No.338 of 2016 on the file of the learned Principal District Munsif cum Judicial Magistrate, Karaikudi.

5.The parties have 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 (CrI.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 Charge Sheet in C.C.No.338 of 2016, on the file of the learned Principal District Munsif cum Judicial Magistrate, Karaikudi, is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order.



7. Accordingly, the Criminal Original petitions are allowed. Consequently, connected miscellaneous petitions are closed.

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/True Copy/

Sd/-

Assistant Registrar (T&P)

Sub Assistant Registrar

Encl.: Xerox copy of Joint Compromise Memo.

To

1. The Principal District Munsif cum Judicial Magistrate,
Karaikudi.
2. The Inspector of Police,
Karaikudi All Women Police Station,
karaikudi,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2cc to Mr.A.BASKARAN, Advocate, S.R.Nos.56651& 56652

+2cc to Mr.V.KANNAN, Advocate, S.R.Nos.56649 & 56650

Crl.O.P. (MD) Nos.864 of 2017 and 4051 of 2018
and
Crl.M.P. (MD) Nos.749, 750 of 2017 and 1979 of 2018
20.03.2018

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SH/JC/SAR-3: 02.05.2018:3P/8C