

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.28801 of 2017

and CRL.M.P.Nos.16285 & 16286 of 2017

1.Mr.Matchan @ AbubackerSiddik
2.Mr.Sheik Mohaideen
3.Mr.Abdul Malik
4.Mr.Sarthar
5.Mr.Raj Mohamed
6.Mr.PalkaraMydeen @ AhamedMydeen
7.Mr.Faizal Ahmed
8.Mr.Nijam
9.Mr.Basheer Ali
10.Mr.Najim @ Sahibu

... Petitioners/Accused 1 to 4, 6, 8,
10, 13, 14 & 16

Vs.

1.The State rep by
The Inspector of Police
Muthupettai Police Station,
Tiruvarur.

2.Mr.ArunachalamRespondent/De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records and quash the proceedings as against the petitioners in S.C.No.135/2015 pending on the file of the Principal District Judge, Tiruvarur.

For Petitioners: Mr.I.Abdul Basith

For Respondents: Mr.C.Iyyappa Raj for R1
Additional Public Prosecutor

R2 - No appearance

O R D E R

This Criminal Original Petition has been filed to quash the proceedings as against the petitioners in S.C.No.135/2015, on the file of the learned Principal District Judge, Tiruvarur.

2.It is seen that the petitioners and the second respondent have entered into a Memorandum of Understanding dated 20.12.2018, which reads as follows:

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is made and executed on this the 20th day of DECEMBER 2018 at Chennai

BY AND BETWEEN

Mr.Arunachalam, S/o Govindhasaami Devar aged about 65 years, having permanent address at Sembadavankadu, Muthupettai, Thiruvavarur District and do hereby temporarily came down to Chennai. (hereinafter referred to as Party of the first part).

AND

1.Mr.Matchan @ Abubacker Siddik, son of Ahamed Kabeer, aged 42 years, residing at Aaladi Masjid street, Muthupettai, Tiruvarur.(Hereinafter referred to as Party of the second Part).

2.Mr.Sheik Mohaideen, son of Mohaideen Pakkir, aged 39 years, residing at Siththavaadi Street, Muthupettai, Tiruvarur.(Hereinafter referred to as Party of the Third Part).

3.Mr.Abdul Malik, son of Abdul Kareem, aged 35 years, residing at Maraikayar Street, Muthupettai, Tiruvarur. (Hereinafter referred to as Party of the Fourth Part).

4.Mr.Sarthar, son of Mohamed Hanifa, aged 38 years, residing at cekkadi Street, Muthupettai, Tiruvarur. (Hereinafter referred to as Party of the Fifth Part).

5.Mr.Raj Mohamed, son of Akbar Ali, aged 27 years, residing at thamaniyaar Street, Muthupettai, Tiruvarur. (Hereinafter referred to as Party of the Sixth Part).

6.Mr.Palkaaran Maideen @ Ahamed Maideen, son of Abulkasan, aged 38 years, residing at South Street, Muthupettai, Tiruvarur. (Hereinafter referred to as Party of the Seventh Part).

7.Mr.Faizal Ahmed, son of Shahul Hameed, aged 24 years, residing at Kuttiyar Palli Street, Muthupettai, Tiruvarur.(Hereinafter referred to as Party of the Eighth

Part).

8.Mr.Nizam, son of Moulana Abubacker, aged 41 years, residing at South Street, Muthupettai, Tiruvarur. (Hereinafter referred to as Party of the Ninth Part).

9.Mr.Baseer, son of Haja Alaudeen, aged 37 years, residing at South Street, Muthupettai, Tiruvarur. (Hereinafter referred to as Party of the Tenth Part).

10.Mr.Najim @ Settu, son of Sulaiman, aged 39 years, residing at Rahamath Nagar, Muthupettai, Tiruvarur. (Hereinafter referred to as Party of the Eleventh Part).

WHEREAS, the Party of the first part is the Defacto Complainant in Cr.No.316/2013 on the files of the Muthupettai Police station. The parties of the second part to the Eleventh Part are accused in above said crime.

WHEREAS the concern police have filed charge sheet in the above crime before the Judicial Magistrate Court, Thiruthuraipoondi, Tiruvarur for the offence under section 147, 294(b), 504, 506(1) IPC and section 3(1) of Tamil Nadu property (prevention) damages and loss Act, 1992 and the same was committed to the Principal District Court, Tiruvarur and numbered as SC No.135/2015 and summons were issued to the parties of the second part to the eleventh Part. The above said criminal proceeding is challenged before the Hon'ble Madras High Court in CRL.O.P.No.28801 of 2017 and the same is stayed and pending for adjudication.

WHEREAS, the parties of the first part to the Eleventh part are local residents and have decided to bury their dispute once for all for the betterment of every once future. As such the party of the first part decided to compromise the above said criminal case pending against the parties of the second part to the eleventh part in terms of these joint compromise memorandum of understanding (hereafter called as MOU) in the following terms and conditions.

NOW THIS MEMORANDUM OF UNDERSTANDING WITNESS AS FOLLOWS:

1.That the party of the first part without any coercion and inducement or undue pressure from anyone, willing to compromise the above criminal case against the parties of the second part to the eleventh part for the better and peaceful future of all these parties herein and to give quietus to the issue.

2.That the above crime is a non compoundable offence, hence the parties of the first part to the Eleventh part

are hereby mutually agreed to execute the present Memorandum of Compromise intended to be filed before the Hon'ble High Court of Madras to compound the offence and quash the criminal case as against the parties of the second part to Eleventh part.

WHEREAS, all the parties herein have signed the original MOU, one of the copies will be submitted as a record on the files of intended Criminal Original petition before the Hon'ble High Court, Madras.

IN WITNESS WHEREOF THE PARTY OF THE FIRST PART, THE PARTY OF THE SECOND PART, THE PARTY OF THE THIRD PART, THE PARTY OF THE FOURTH PART, THE PARTY OF THE FIFTH PART, THE PARTY OF THE SIXTH PART, THE PARTY OF THE SEVENTH PART, THE PARTY OF THE EIGHTH PART, THE PARTY OF THE NINTH PART, THE PARTY OF THE TENTH PART AND THE PARTY OF THE ELEVENTH PART HAVE SIGNED THIS DEED OF MEMORANDUM OF UNDERSTANDING ON THE DAY, MONTH AND YEAR FIRST ABOVE WRITTEN.

3.In view of the same, this Criminal Original Petition is allowed and the proceedings in S.C.No.135/2015, on the file of the learned Principal District Judge, Tiruvarur, is quashed. Consequently, connected miscellaneous petitions are closed.

*The Xerox copy of
Memorandum of understanding enclosed

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

pam
To

1.The Inspector of Police
Muthupettai Police Station,
Tiruvarur.

2.The Principal District Judge,
Tiruvarur.

3.The Public Prosecutor,
Madras High Court.

CRL.O.P.No.28801 of 2017
and CRL.M.P.Nos.16285 & 16286 of 2017

srg 12/04/2019