



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2021

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

Crl.OP(MD)No.1167 of 2021

1.Mohan Selvaraj
2.Mohan Sundar Raj
3.Jegadhesan
4.Bensas

... Petitioners

vs.

1.The State Represented by,
The Inspector of Police,
Eraniel Police Station,
Eraniel, Kanyakumari District.
(P.R.C.No.55 of 2015)

2.S.A.Sivaraja Prasath

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in P.R.C.No.55 of 2015 on the file of the Judicial Magistrate, Eraniel and quash the same as against the present petitioners.

For Petitioners : Mr.S.Vashik Ali
For R1 : Mr.R.Erottuchamy
Government Advocate (Criminal side)

For R2 : Mr.R.Murugan

O R D E R

This petition has been filed seeking to quash the proceedings in P.R.C.No.55 of 2015 on the file of the Judicial Magistrate, Eraniel, on the basis of a joint compromise memo filed by the petitioners and the second respondent.

2.The contention of the petitioners is that based on the complaint lodged by the second respondent, the first respondent registered First Information Report in Crime No.812 of 2013 and thereafter, filed a final report before the Judicial Magistrate, Eraniel for the alleged offences punishable under Sections 147, 148, 427, 452, 323, 324, 307 and 506(2) read with Section 149 of the Indian Penal Code, against the petitioners.



3.The further contention of the petitioners is that they want to compromise the issue between them and the second respondent amicably. A joint memo of compromise was filed, which has been duly signed by the petitioners and the second respondent and also by their respective counsels.

4.The petitioners and the second respondent appeared in person before this Court along with their counsels and also produced their Aadhar cards. They were also identified by the learned Government Advocate (Criminal side) and Mr.T.Christopher, Special Sub-Inspector of Police, Eraniel Police Station, Kanyakumari District. Both the parties to compromise were enquired by me and they accepted the terms of compromise. Hence, the Compromise Memo is recorded.

5.Considering the totality of the circumstances, the nature of the allegations levelled against the petitioners and also in view of the joint compromise memo, dated 09.01.2021, this Court is of the opinion that no useful purpose would be served by keeping the matter pending.

6.In the result, the Criminal Original Petition stands allowed and the entire proceedings in P.R.C.No.55 of 2015 on the file of the Judicial Magistrate, Eraniel, is hereby quashed in respect of the petitioners and the terms of joint compromise memo shall form part of this order.

Sd/
Assistant Registrar(CS-I)

/True copy/

/ /2021
Sub Assistant Registrar(CS-)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

(*)Enclose herewith copy of the Joint Compromise Memo

To

1.The Judicial Magistrate, Eraniel.

2.The Inspector of Police,
Eraniel Police Station,
Eraniel, Kanyakumari District.



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

+1 CC to M/s.R.MURUGAN, Advocate (SR-3910[F] dated 09/02/2021)

+1 CC to M/s.S.VASHIK ALI, Advocate (SR-3911[F] dated 09/02/2021)

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08.02.2021

sjj

PK/27.02.2021 : 3P/6C