



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2014

CORAM

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

Cr1.O.P(MD)No.22417 of 2013

1.P.L.Anbu Meenal

2.M.Avichi Chettiayar

3.A.Jawahar

: Petitioners/A1 to A3

vs.

1.State rep., by Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai.

: 1st respondent/Complainant

2.M.Uma Priya

: 2nd respondent/De-facto
Complainant

Prayer: Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to proceedings in C.C.No.883 of 2013, on the file of the Judicial Magistrate No.II, Madurai and quash the same.

For Petitioners : Mr.R.Venkatesan
For 1st Respondent : Mr.A.P.Balasubramani
Government Advocate
(Criminal side)

For 2nd respondent : Mr.J.Senthil Kumariah


ORDER

The present petition is filed by the petitioners/A1 to A3 to quash the C.C.No.883 of 2013 on the file of the Judicial Magistrate No.II, Madurai.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal side) for the 1st respondent as well as the learned counsel for the 2nd respondent.

3.The learned counsel appearing for both parties represented that the petitioners/A1 to A3 and the second respondent/de-facto complainant have amicably settled the issue between them and the de-facto complainant has agreed to give up the criminal proceedings against the petitioners/A1 to A3 and the de-facto complainant is no longer willing to pursue the criminal proceedings against the accused persons.

4.On 31.01.2014, when the matter came up for hearing, the learned counsel for the petitioners as well as the second respondent/de-facto



complainant along with their respective counsel are present. When this court enquired the second respondent/de-facto complainant about the factum of the compromise and terms of the compromise, she admitted the same and she has also categorically submitted that she is not interested in continuing the criminal prosecution against the petitioners/A1 to A3, due to compromise arrived at between them and the second respondent/de-facto complainant has filed an affidavit to that effect. A joint compromise memo has also been filed to that effect.

5.It is now well settled that the proceedings can be quashed in appropriate cases on the basis of the settlement arrived at between the parties. Here is the case wherein the de-facto complainant in her own interest and on her own free will thought fit to compromise the matter with the petitioners/A1 to A3. That being so, this court is of the considered view that the de-facto complainant is not likely to support the prosecution case at later point of time during trial in respect of petitioners/A1 to A3. In that event, it is not going to help anyone by keeping the case on file and it would be only a futile exercise and it would be sheer waste of the time of the court. Hence, in order to maintain the present state of affairs, which is according to the parties more beneficial to them, this court is of the considered view that C.C.No.883 of 2013 on the file of the Judicial Magistrate No.II, Madurai, is liable to be quashed in respect of the petitioners/A1 to A3.

6.In the result, this petition is allowed by quashing the C.C.No.883 of 2013 on the file of the Judicial Magistrate No.II, Madurai, against the petitioners/A1 to A3. The compromise memo as well as the affidavit filed by the second respondent/de-facto complainant shall form part of the record.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To,

1. The Judicial Magistrate No.II, Madurai.

2.The Inspector of Police, All Women Police Station,
Tallakulam, Madurai City.

3.The Additional Public Prosecutor, (Criminal side)
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr. R.Venkateswaran, Advocate in SR.No. 6843

TS/18.02.2014/2P-5C

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