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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2015

CORAM:

THE HONOURABLE MR. JUSTICE C.T. SELVAM

CRL.O.P.(MD)No.23340 of 2014

and

M.P.(MD)No.1 of 2014

Aswin Kumar

... Petitioner / Sole Accused

Vs.

1.The State Rep.by

The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

... 1st Respondent / Complainant

2.Dharmaraj

... 2nd Respondent / Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in FIR in Crime No.698 of 2014 on the file of the Marthandam Police Station, Kanyakumari District and quash the same.

For Petitioner : Mr.S.C.Herold Singh

For Respondent-1 : Mr.K.Anbarasan
Government Advocate, (Crl. Side)

For Respondent-2 : Mr.KA.Thirumaliappan

ORDER

This Criminal Original Petition has been filed praying to quash the proceedings in C.C.No.698 of 2014, on the file of the Marthandam Police Station, Kanyakumari District.

2. An affidavit filed by the defacto complainant before the learned Judicial Magistrate No.1, Kuzhithurai would inform that he earlier never come across the accused in Crime No.698 of 2014, on file of the respondent, who is alleged to have extracted a sum of Rs.100/- at knife point, from the defacto complainant. It is the admitted position that the petitioner / sole accused has not come to adverse notice in any other case.

<https://hcservices.secourts.gov.in/hcservices/>
3. The 2 respondent / defacto complainant as well as the petitioner/accused are present before this Court and they are identified



by the respective learned counsels and both the parties have filed a compromise memo stating that the matter in issue between them has been amicably resolved and therefore, the 2nd respondent / defacto complainant is not willing to prosecute the case.

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4. The learned Government Advocate (crl.side) submitted that on completion of investigation, the case is now pending trial in C.C.No.2 of 2015 before the learned Judicial Magistrate No.1, Kuzhithurai,

5. The Court has also heard the learned counsel appearing on either side and perused the materials available on record.

6. In the light of the said compromise memo, no purpose will be served by keeping the Criminal Original Petition pending.

7. In the result, the Criminal Original Petition is allowed the the proceedings in C.C.No.2 of 2015, on the file of the learned Judicial Magistrate No.1, Kuzhithurai, is hereby quashed. The memo of compromise shall form part of the records. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar

/True copy/

sub Assistant Registrar(c.s)

To

1.The Judicial Magistrate No.1, Kuzhithurai.

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

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

+lcc to Mr.S.C.Herold Singh Advocate in SR.No. 2470

TS/16.02.2015/2P-5C

CRL.O.P. (MD) No.23340 of 2014

20.01.2015