



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No. 8148 of 2017

Ratheesh @ Anandha Ratheesh

: Petitioner

-Vs-

1. State rep. by,
The Inspector of Police,
Manavalankuruchi Police Station,
Kanyakumari District.
(Cr.No.114 of 2010).

2. Nagarajan

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records relating to the case in C.C.No.131 of 2011 pending on the file of the District Munsif -cum- Judicial Magistrate, Eraniel and quash the same insofar as against the petitioner is concerned.

For Petitioner : Mr.B.Brijesh Kishore

For Respondent No.1 : Mr.K.Anbarasan,
Government Advocate (Crl.side)

For Respondent No.2 : Mr.K.C.Peter Kanish Kumar

ORDER

The petitioner is A-5 in C.C.No.131 of 2011 and he has filed the present quash application on the ground that he has arrived at a compromise with the *defacto* complainant.

2. In the considered opinion of this Court, in a trial where more than one accused are there, this Court cannot interfere and quash the prosecution as against one accused on the ground that he has entered into a compromise with the *defacto* complainant, as that will adversely affect the evidentiary value of witnesses before the Trial Court. That apart, the provisions of Section 34 of the Indian Penal Code will stand negated. Hence, this petition is dismissed. The Trial Court is directed to proceed with the trial in C.C.No.131 of 2011 expeditiously and complete the same, within six months from the date of receipt of a copy of this order, provided the accused co-operate with the trial by cross-examining the prosecution witnesses on the day they are examined



in chief, as held by the Supreme Court in **Vinod Kumar vs. State of Punjab** reported in **2015 (1) Scale 542.**

Sd/-

Assistant Registrar (CS-II)

/True copy/

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Sub Assistant Registrar

To

1. The District Munsif -cum-
Judicial Magistrate, Eraniel.
2. The Inspector of Police,
Manavalankuruchi Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SML

PSM/JC/SAR1/07.07.2017/2P/4C

Order made in
CRL.O.P. (MD) No.8148 of 2017
Dated: 29.06.2017
(1/2)