



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.04.2019

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P. (MD)No.7248 of 2017

and

Crl.M.P. (MD)No.4939 of 2017

S.Nishanth

... Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
Kurumbur Police Station,
Tuticorin District.
(Crime No.280 of 2014)

2.S.Alangara Raja

... Respondents/Defacto
Complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code to call for the records relating to the Charge Sheet in S.T.C.No.535 of 2015 on the file of the learned Judicial Magistrate, Srivaikundam, Tuticorin District in Crime No.280 of 2014 dated 18.11.2014 on the file of the first respondent and quash the same as illegal.

For Petitioner :Mr.T.Lajapathi Roy

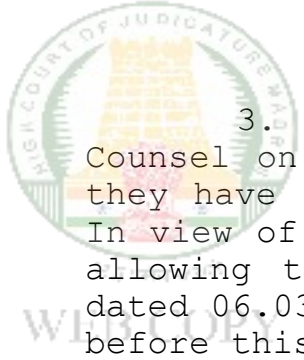
For Respondents :Mr.R.Anandharaj,
Additional Public Prosecutor for R.1

:Mr.S.Vanchinathan for R.2

ORDER

This Criminal Original Petition has been filed by the petitioner to quash the Charge Sheet pending against him in S.T.C.No.535 of 2015 on the file of the learned Judicial Magistrate, Srivaikundam, Tuticorin District.

2. The petitioner and the second respondent / defacto complainant are brothers. It appears that a dispute arose between them with regard to their ancestral property and on 18.11.2014, at 07.30 am, it is alleged that the petitioner went to the complainant's house, abused him with filthy language and also attacked him. Based on the complaint of the second respondent / defacto complainant, a case in Crime No.280 of 2014 was registered by the first respondent police for the offence punishable under Sections 294(B) & 323 IPC and after investigation, the first respondent police has filed the final report before the concerned Magistrate.



3. When the matter is taken up for hearing today, learned Counsel on either side submitted that the parties are brothers and they have settled their issues out of Court in an amicable manner. In view of the same, the petitioner is not having any objections in allowing the present petition. To that effect, a compromise memo dated 06.03.2019, duly signed by both the parties, has been produced before this Court.

4. Both the parties are also present before this Court today and their identity has been verified by the learned Additional Public Prosecutor through the first respondent police. The second respondent / defacto complainant agreed for allowing the present petition, in view of the compromise arrived at between the parties.

5. In such view of the matter, this Criminal Original Petition is allowed and the proceedings pending against the petitioner in S.T.C.No.535 of 2015 on the file of the learned Judicial Magistrate, Srivaikundam, Tuticorin District, stands quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate,
Srivaikundam, Tuticorin District.

2.The Chief Judicial Magistrate,
Srivaikundam, Tuticorin District.

3.The Inspector of Police,
Kurumbur Police Station,
Tuticorin District.

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

+1 CC to Mr.S.VANCHINATHAN, Advocate SR-60677.

Cr1.O.P. (MD)No.7248 of 2017
and
Cr1.M.P. (MD)No.4939 of 2017
12.04.2019