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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.09.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

Cr1.OP.No.14023/2016 & Cr1.MP.No.7157/2016

[Video Conferencing]

Sudha

... Petitioner

Versus

State by
Deputy Superintendent of Police
Vedaranyam
Crime No.120/2010, Voimedu Police Station,
Vedaranyam Taluk
Nagapattinam District.

... Respondent

Prayer : - Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the record relating to the charge sheet filed in P.R.C.No.18/2015 on the file of the District Munsif cum Judicial Magistrate, Vedaranyam, Nagapattinam District and quash the same.

For Petitioner	:	Mr.S.Senthilnathan
For Respondent	:	Mr.E.Raj Thilak Additional Public Prosecutor

ORDER

- (1) Heard the learned counsel for the petitioner.
- (2) Though the learned counsel for the petitioner even at the outset stated that the petitioner herein who is arrayed as A2 and the defacto complainant had entered into a compromise, I am not inclined to accept such statement or that the compromise could have been entered into with bona fide, owing to the fact that after about six years, such statement is being made.
- (3) The present petition has been filed seeking to call for the records in PRC.NO.18/2015 which was pending on the file of the learned District Munsif-cum-Judicial Magistrate, Vedaranyam in Nagapattinam District, and to quash the same.



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- (4) A good sense had prevailed on the said Officer who had subsequently committed PRC.No.18/2015 and thereafter, it had been taken cognizance as Spl.CC.No.24/2021 and it is now pending on the file of the Sub Court at Nagapattinam.
- (5) The learned counsel for the petitioner stated that the charge imputed against the petitioner is only under Section 294[b] IPC and that the defacto complainant had independently entered into a compromise with the petitioner herein and therefore, necessarily time should be given to implead the defacto complainant to record the compromise and to quash the Sessions Case as against the petitioner herein.
- (6) As stated, I am not inclined to accept the said request. Let the trial go on and in the course of trial, let the defacto complainant on oath, give deposition. Let the learned Judge who tries the case, take a decision on the same on appreciation of the evidence adduced. It must be noted that as against the 1st petitioner, the offences imputed also include Section 3[1][x] of SC/ST Act. Necessarily trial is the only answer and the petitioner herein may test the statements of all the witnesses during cross examination and thereafter, let the evidence be analysed by the learned Judge. That opportunity has to be given. Trial process has to go through.
- (7) In the result, the Criminal Original Petition stands dismissed. The observations regarding compromise referred earlier in the order, are only for the purpose of this particular order and need not weigh the mind of the learned Sessions Judge who actually tries the case. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

To

1.The Subordinate Judge, Nagapattinam.



- +1 CC to Mr.S.Senthilnathan, Advocate sr 51160.

SSI (CO)
SP (01/11/2021)