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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.12.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

**Crl.O.P. (MD) No.2499 of 2020
and Crl.M.P. (MD) .No.1309 & 1310 of 2020**

1.Kittu @ Krishnakumar
2.Jayakumar
3.Prabhu

.. Petitioners/Accused Nos.1,3 & 5

Vs.

1.The Inspector of Police,
Samayanallur Police Station,
Samayanallur,
Madurai District.
(Crime No.204 of 2013)

.. Respondent/Complainant

2.R.Thiruganesh

.. Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the Charge-sheet in P.R.C.No.61 of 2017 on the file of the Judicial Magistrate, Vadipatti and quash the same.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.S.S.Madhavan for R1
Government Advocate (Crl. Side)

Mr.P.Venkata Subramaniam for R2

ORDER

This petition has been filed seeking quashment of Charge-sheet in P.R.C.No.61 of 2017 on the file of the Judicial Magistrate, Vadipatti.

2.The contention of the petitioners is that based on the complaint lodged by the 2nd respondent, the 1st respondent registered the First Information Report in Crime No.204 of 2013 for the offences punishable under Sections 147, 148, 323, 324, 294(b) & 307 IPC, against these petitioners and three others. It appears that the defacto complainant wanted to compromise the matter with the petitioners.



3.The further contention of the petitioners is that they compromised the issue with the 2nd respondent amicably. A joint memo of compromise was filed, which has been duly signed by the petitioners and the 2nd respondent and also by their respective counsels.

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4.Though the FIR has been registered and the charge sheet has been filed against 6 named accused persons, the accused Nos.1,3 and 5 alone come forward with this petition seeking quashment of the charge sheet against them on the basis of the Joint Compromise Memo. The petitioners and the 2nd respondent appeared in person before this Court along with their counsels and also produced their Aadhar cards. They were also identified by the learned Government Advocate (Crl.Side) and the Investigation Officer. Both the parties were enquired by me and they accepted the terms of compromise. Hence, the Compromise Memo is recorded.

5.Considering the totality of the circumstances, the nature of the allegations levelled against the petitioners and also in view of the joint compromise memo, dated 06.02.2020, this Court is of the opinion that no useful purpose will be served by keeping the matter pending. Hence, all further proceedings in P.R.C.No.61 of 2017 pending on the file of the learned Judicial Magistrate, Vadipatti, is quashed only in respect of the petitioners/Accused Nos.1,3 and 5 alone and the compromise memo is recorded.

6.In the result, the Criminal Original Petition stands allowed and the entire proceedings in P.R.C.No.61 of 2017 pending on the file of the learned Judicial Magistrate, Vadipatti, is quashed only in respect of the petitioners/Accused Nos.1,3 and 5 alone and the terms of joint compromise memo shall form part of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

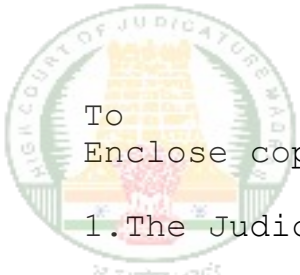
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Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To
Enclose copy of Joint Compromise Memo.

1.The Judicial Magistrate, Vadipatti.

2.The Inspector of Police,
Samayanallur Police Station,
Samayanallur,
Madurai District.

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

Crl.O.P. (MD)No.2499 of 2020
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RK(25/01/2022) 3P 4C