



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.07.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.5227 of 2021

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Abilash ... Petitioner/Accused No.1
vs.

1.The State Rep by
The Inspector of Police,
Arunmanai Police Station,
Kanyakumari District.
(Crime No. 79 of 2019) ... 1st Respondent/ Complainant

2.S.Christopher John ... 2nd Respondent/Defacto Complainant/
Victim

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the impugned Final Report in C.C.No.437 of 2019 on the file of the learned Judicial Magistrate No.1, Kuzhithurai and quash the same.

For Petitioners : Mr.S.Regu
For R1 : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For R2 : Mr.R.Mohana Sundaram

O R D E R

This petition has been filed to quash the impugned Final Report in C.C.No.437 of 2019 on the file of the learned Judicial Magistrate No.1, Kuzhithurai.

2. The petitioner herein, was arrayed as an first accused in the First Information Report and the second accused, who is the father of the first accused, namely, Bright died on 22.09.2020. It is a case in counter case and the parties are brother-in-laws.

3.The contention of the petitioner is that based on the complaint lodged by the second respondent, the first respondent registered a case in Crime No. 79 of 2019 for the offences punishable under Sections 147, 148, 294 (b), 323, 324 and 506 (2) of Indian Penal Code, against the petitioner.

4.The further contention of the petitioner is that he compromised the issue with the second respondent amicably. A joint memo of compromise is filed, which has been duly signed by the petitioner and the second respondent and also by their respective counsels.



5.The petitioner and the second respondent appeared through video conference with their respective counsels and also produced their Aadhar cards before this Court. They were also identified by the learned Additional Public Prosecutor and Mr.K.Shaji, Special Sub-Inspector of Police, Arunmanai Police Station, Kanyakumari District. Both the parties to compromise were enquired by me and they accepted the terms of compromise. Hence the Compromise Memo is recorded.

6. Considering the totality of the circumstances, the nature of the allegations levelled against the petitioner and also in view of the joint compromise memo, dated 24.02.2021, this Court is of the opinion that no useful purpose will be served by keeping the matter pending.

7.In the result, the Criminal Original Petition stands allowed and the entire proceedings in C.C.No.437 of 2019 on the file of the learned Judicial Magistrate No.1, Kuzhithurai, is hereby quashed in respect of the petitioner and the terms of joint compromise memo shall form part of this order.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dss

Encl. : Xerox copy of the Joint compromise memo

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

1.The Judicial Magistrate No.1,
Kuzhithurai.

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



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

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MGJ(09.08.2021) 3P 4C