



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.18301 of 2021

WEB COPY

1. Mayil Vaganan
 2. Radhakrishnan
 3. Vinayagan
 4. Sonai
 5. Priya
 6. Prakash
- ... Petitioners /Accused Nos.1 to 6
- Vs.
1. The Deputy Superintendent of Police,
Oomatchikulam,
Madurai District.
- ... 1st Respondent /
Investigation Officer
2. The State rep. By its
Inspector of Police,
Othakadai police station,
Madurai District.
(Crime No.587 of 2017)
- ... 2nd Respondent /
Complainant
3. Kannan
- ... 3rd Respondent /
Defacto Complainant
4. Indira Devi
 5. Karuppayee @ Thangamalar
 6. Alagammal (Died)
- ... Respondents 4 to 6 / Injured

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the entire records relating to the impugned charge sheet in S.C.No.145 of 2018 on the file of the learned III Additional District Court(PCR), Madurai and to quash the same.

For Petitioners	: M.S.Jeyakarthik
For R-1 & R-2	: Mr.A.Albert James, Government Advocate.
For R-3 to R-5	: Mr.P.Suresh Kumar

* * *

ORDER

Heard the learned counsel on either side.

2. This criminal original petition has been filed for quashing the proceedings in S.C.No.145 of 2018 on the file of the learned III Additional District Judge (PCR), Madurai.



3. The defacto complainant Kannan as well as the victims Indira Devi and Karuppayee @ Thangamalar are present in person before me. They have been duly identified by Mr.S.Singaraj, SI, attached to the second respondent police station.

4. It is stated that the compensation amount received from the Government has also been returned by the victims. A copy of the challan of the said repayment has been produced before this Court. The parties have filed a joint compromise memo. The defacto complainant states that he does not want to pursue the matter.

5. The learned Government Advocate pointed out that some of the petitioners are having previous cases. Be that as it may, when the defacto complainant himself does not want to pursue the matter, no purpose will be served in keeping the impugned prosecution alive. Therefore, the impugned proceedings are quashed. This criminal original petition is allowed. The joint compromise memo shall form part of the order.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

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.

ENCL:Xerox Copy of Joint Compromise Memo

To:

- 1.The III Additional District Judge(PCR),
Madurai.
- 2.The Deputy Superintendent of Police,
Oomatchikulam,
Madurai District.
- 3.The Inspector of Police,
Othakadai police station,
Madurai District.



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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-39910[F]
dated 22/12/2021)

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GM(CO)

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