



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.15674 of 2021

WEB COPY

1.Thirupathi

2.S.Siva

3.Murugan ... Petitioners/Accused Nos.1 to 3

vs.

1.The State rep. by
The Deputy Superintendent of Police,
Umachikulam Sub-Division,
Y.Othakadai,
Madurai District.

2.The Inspector of Police,
Y.Othakkadai Police Station,
Madurai District.
(Crime No.1297 of 2020)

... 1st & 2nd Respondents/
Complainants

3.Kanjivanam ... 3rd Respondent/
defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the charge sheet in Spl.S.C.No.34 of 2020 on the file of the learned III Additional District Judge for PCR Cases, Madurai and quash the same.

For Petitioners : Mr.B.Jameel Arasu

For R1 & R2 : Mr.M.Sakthikumar
Government Advocate

For R3 : Mr.S.Paul Murugesh

O R D E R

This Criminal Original Petition has been filed for quashing the proceedings in Spl.S.C.No.34 of 2020 on the file of the III Additional District Judge for PCR Cases, Madurai.

2. The defacto complainant Kanjivanam is present in person before this Court. He has been duly identified by Thiru.S.Singaraj,
<https://hcservices.courts.gov.in/hcservices/>



SI of Police attached to Othakadai Police Station, Madurai. The defacto complainant categorically asserts before me that he has not received any compensation from the department. Therefore, the questioning of refund will not arise. The parties have filed a memo of compromise. Though the offences under the special statute are not compoundable, when the defacto complainant does not want to pursue the matter, no purpose will be served in continuing the proceedings to its logical conclusion. The defacto complainant is bound to turn hostile. The chances of conviction are rather bleak. Hence, to save the judicial time and in the interest of justice, the impugned proceedings are quashed.

3. This Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Rmi

Enclose copy of 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. III Additional District Judge for PCR Cases, Madurai.
- 2.The Deputy Superintendent of Police,
Umachikulam Sub-Division,
Y.Othakadai, Madurai District.
- 3.The Inspector of Police,
Y.Othakkadai Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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