



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.15681 of 2021

1.Jahubharali

2.Riyashkhan @ Niyas Khan

3.Rajmohamed

4.Rahmankhan

5.Hathija Begam @ Kathijammal

6.Bathur Zaman

7.Abusali @ Abusaligu

8.Kuthirairaj @ Rajmohamed

9.Jim @ Kareem Abdullah @ Sharib Abdullah

... Petitioners/

Accused 1 to 9

vs.

1.The State represented by
The Inspector of Police,
Kottaipattinam Police Station,
Pudukottai District.
(Crime No.100 of 2008)

... 1st Respondent/
Complainant

2.Mohamed Issac

... 2nd Respondent/
Defacto Complainant

3.Akbar Sulthan

... 3rd Respondent/Injured

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to call for the records pertaining to charge sheet in S.C.No.100 of 2018 on the file of the Sub Court, Aranthangi and quash the same as illegal.

For Petitioners : Mr.T.Lenin Kumar

For Respondents : Mr.A.Albert James

Government Advocate (Crl.side) for R1
Mr.D.Venkatesh for R2 & R3



O R D E R

This Criminal Original Petition has been filed to quash the proceedings in S.C.No.100 of 2018 on the file of the Sub Court, Aranthangi.

2. The de-facto complainant Mohamed Issac as well as the injured Akbar Sulthan are present in person before me. They have been duly identified by Mr.S.Mohanraj, HC163 attached to Kottaipattinam Police Station. The parties have filed a memo of compromise. The petitioners have given an undertaking that they will conduct themselves properly in future and will not indulge in acts similar to the one on hand. The de-facto complainant as well as the injured informed the Court that the accused are close relatives and that they do not want to pursue the matter. The learned Government Advocate (Crl) informs the Court that non-bailable warrant against some of the petitioners herein has been issued. Though in normal circumstances, considering the nature of the allegation that I would not quash the proceedings, taking note of the fact that the de-facto complainant himself has forgiven the accused, no purpose will be served in keeping the impugned prosecution alive. The accused have also given an undertaking.

3. In view of the same, the impugned proceedings are quashed. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

csm/mga

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.The Subordinate Judge,
Aranthangi.



2.The Inspector of Police,
Kottaiipattinam Police Station,
Pudukottai District.

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

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RK(14/12/2021) 3P 4C