



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.19684 of 2021

WEB COPY

1. Muthukumar
2. Xavier @ Maria Xavier
3. Kanagaraj
4. Agastin ... Petitioners / Accused Nos.1 to 4

Vs.

1. The State rep. By,
The Inspector of Police,
District Crime Branch,
Nagercoil, Kanyakumari District.
(Crime No.14 of 2013) ... 1st Respondent / Complainant

S.Johnson Eanose
(Died on 05.02.2021) ... Defacto Complainant

2. Rethenam
3. Joyce ... 2 & 3rd Respondents /
LRs. Of the Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the charge sheet in C.C.No.9 of 2020 on the file of the Judicial Magistrate No.I, Nagercoil and quash the same by allowing the criminal original petition.

For Petitioners : Mr.S.Vashik Ali
For R-1 : Mr.A.Albert James,
Government Advocate.
For R-2 & R-3 : Mr.R.Murugan

* * *

ORDER

Heard the learned counsel on either side.

2. This criminal original petition has been filed for quashing the proceedings in C.C.No.9 of 2020 on the file of the Judicial Magistrate No.I, Nagercoil

3. The defacto complainant is no more. Respondents 2 and 3 who are the legal heirs of the defacto complainant are present in person before me. They have been duly identified by Thiru.M.David Anand, SSI-1864, attached to the first respondent police station. The parties have filed a joint compromise memo. Respondents 2 and 3 state that they do not want to pursue the matter.



4. Since the legal heirs of the defacto complainant do 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.

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

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 : Joint Compromise Memo.

To:

1. The Judicial Magistrate No.I,
Nagercoil.
 2. The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +2 CC to M/s.R.MURUGAN, Advocate (SR-39223[F] dated 17/12/2021)

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USK (30.12.2021) 2P 6C