



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.17565 of 2021

WEB COPY

Krishnamoorthy @ Moorthy ... Petitioner / Sole Accused

Vs.

1.The Deputy Superintendent of Police,
Thoothukudi Town Division,
Thoothukudi.

2.State rep. By its,
The Inspector of Police,
Thoothukudi Central Police Station,
Thoothukudi District.
(Crime No.259 of 2016)

... Respondents 1 & 2 /Complainant

3. Kirupanatha Murugan

... 3rd Respondent /
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in S.C.No.64 of 2020 on the file of the Additional District and Sessions Court for the Exclusive Trial of PCR Act Cases, Thoothukudi and quash the same.

For Petitioner : Mr.P.T.Ramesh Raja
For R-1 & R-2 : Mr.M.Sakthi Kumar,
Government Advocate.
For R-3 : Mr.P.Suresh

* * *

O R D E R

Heard the learned counsel on either side.

2. This criminal original petition has been filed for quashing the proceedings in S.C.No.64 of 2020 on the file of the Additional District and Sessions Court for the Exclusive Trial of PCR Act Cases, Thoothukudi.

3. The defacto complainant Kirupanatha Murugan is present in person before this Court. He has been duly identified by Mr.P.T.Ramesh Raja, Advocate. The defacto complainant does not want to pursue the matter. A joint compromise memo has also been filed by the parties.

4. The defacto complainant admits before this Court that he received a sum of Rs.25,000/- as compensation from the Government. The said amount should be returned to the department within four



weeks. The department concerned is directed to accept the return of compensation amount. The Government pays compensation because the person is perceived to be the victim. When the accused compromised with the victim, the victim cannot be allowed to retain the compensation amount. The defacto complainant also undertakes that he will return the compensation amount within a period of four weeks from the date of receipt of a copy of this order.

5. Though the offences are not compoundable, no purpose will be served in keeping the impugned prosecution alive. The defacto complainant is bound to turn hostile and chances of conviction are rather bleak. Hence, to save judicial time and in the interest of justice, the impugned proceedings are quashed. This criminal original petition is allowed.

Sd/-

Assistant Registrar (Crl.Side)

// 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: Xerox Copy of Joint Compromise Memo

To:

- 1.The Additional District and Sessions Court
for the Exclusive Trial of PCR Act Cases, Thoothukudi
- 2.The Deputy Superintendent of Police,
Thoothukudi Town Division, Thoothukudi.
- 3.The Inspector of Police,
Thoothukudi Central Police Station, Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.T. RAMESH RAJA, Advocate (SR-35429[F]
dated 23/11/2021)

Crl.O.P.(MD)No.17565 of 2021
22.11.2021

PS (CO)

GC(04.12.2021) 2P 6C

<https://hcservices.ecourts.gov.in/hcservices/>