



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1983 of 2022

R.Murugesan

... Petitioner/Sole Accused

-Vs-

1.The State represented by
The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
(Crime No.222 of 2021)

... 1st Respondent/Complainant

2.R.Mari

... 2nd Respondent/
Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Crime No.222 of 2021 on the file of the Thiruppachethi Police Station, Sivagangai and quash the same.

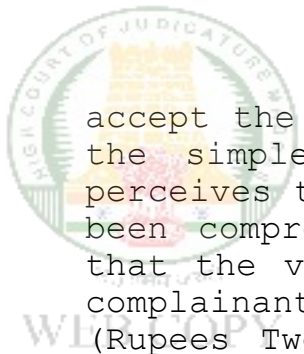
For Petitioner : Mr.R.Srinivasan
For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side) for R.1

ORDER

This criminal original petition has been filed to quash the FIR in Crime.No.222 of 2021 on the file of the Thiruppachethi Police Station, Sivagangai District.

2.The defacto Complainant R.Mari is present before this Court in person through video conferencing. He has been duly identified by Mr.K.Raja Mani, SSI of Police, Thiruppachethi Police Station. When the defacto complainant himself has decided not to pursue the complaint, no purpose will be served in keeping the impugned prosecution alive. Hence, in the interest of justice, the impugned proceedings are quashed and the criminal original petition is allowed.

3. Since the defacto complainant/ R.Mari had received a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as compensation from the Department, he undertakes to return the said amount to the Department. The Department is directed to accept the amount returned by the defacto complainant. I am constrained to give this direction to the Department for the reason that in some of the cases, the department had taken the stand that they are only authorized to disburse the compensation alone and that they cannot



accept the return of the amount. Such stand cannot be accepted for the simple reason that compensation is paid because the State perceives the defacto complainant as a victim. Since the matter has been compromised for whatever reason, it is only just and proper that the victim is not allowed to retain the amount. The defacto complainant undertakes to return the said amount of Rs.25,000/- (Rupees Twenty Five Thousand only) within a period of four weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

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 Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
- 2.The Superintendent of Police,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.SRINIVASAN, Advocate (SR-4087[F] dated 03/02/2022)

CrI.O.P (MD)No.1983 of 2022
02.02.2022

NSN(CO)
KB(22.02.2022) 2P 5C