



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL OP(MD). Nos.3338 & 3354 of 2022

and CRL.M.P.(MD)Nos.2469 & 2485 of 2022

WEB COPY

CRL OP(MD). No.3338 of 2022

1. G.Sarathkumar
 2. M.Ashokkumar
 3. A.John Thomas
- ... Petitioners/Accused Nos 1 to 3

Vs

1. The State through
The Inspector of Police,
Tiruchendur Police Station,
Thoothukudi District.
(In Crime No.55/2018)
- ... 1st Respondent/Complainant

2. Jesu Prabhakar
- ...2nd Respondent/Defacto Complainant

PRAYER :- This Criminal Original Petition filed under Section 482 Cr.P.C.to call for the records pertaining to the Charge Sheet in C.C. No. 207/2018 on the file of the Learned JM Court, Tiruchendur, Thoothukudi in Crime No. 55/2018 dated 23.02.2018 and quash the same.

For Petitioners : Mr.R.Anandharaj
For Respondent : Mr.R.M.Anbunithi
R1 Additional Public Prosecutor (Criminal Side)
: Mr.K.R.Bharathi Kannan for R2

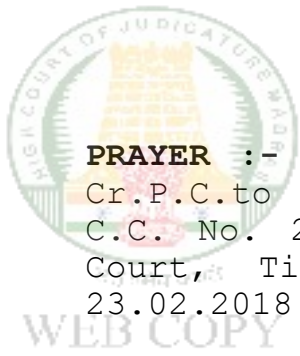
CRL OP(MD). No.3354 of 2022

1. P.Murugan
 2. P.Krishnamoorthy
 3. P.Manoharan
 4. R.Ganapathy
- ... Petitioners/Accused Nos 1 to 4

Vs

1. The State through
The Inspector of Police,
Thoothukudi District,
(In Crime No.56/2018)
- ... 1st Respondent/Complainant

2. Issac Maharaja,
Head Constable 299,
Tiruchendur Police Station,
Thoothukudi District.
- ... 2nd Respondent/Defacto Complainant



PRAYER :- This Criminal Original Petition filed under Section 482 Cr.P.C.to call for the records pertaining to the Charge Sheet in C.C. No. 210/2019 on the file of the learned Judicial Magistrate Court, Tiruchendur, Thoothukudi in Crime No. 56/2018, dated 23.02.2018 and quash the same.

For Petitioners: Mr.K.Suyambulinga Bharathi
For Respondent : Mr.R.M.Anbunithi
R1 Additional Public Prosecutor (Criminal Side)
: No Appearance for R2

COMMON ORDER

These Criminal Original Petitions have been filed to quash the charge sheet in C.C.Nos.207 of 2018 & 210 of 2019, on the file of the learned Judicial Magistrate, Trichendur, Thoothukudi.

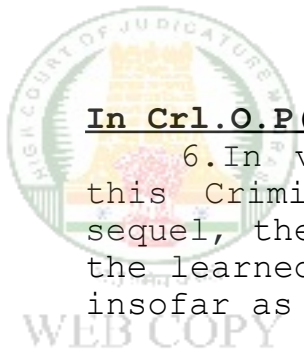
2.Both the cases are under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3.In Crl.O.P(MD)No.3338 of 2022, a Joint Memo of Compromise has been filed before this Court, which has been signed by the petitioners and the second respondent and also by their respective counsel.

4.Under such circumstances, no useful purpose will be served in keeping the First Information Report pending before the respondent police. Even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujraht)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the Charge Sheet in C.C.Nos.207 of 2018 & 210 of 2019 pending on the file of the learned Judicial Magistrate, Trichendur, Thoothukudi.

In Crl.O.P(MD)No.3338 of 2022:

The Criminal Original Petition in Crl.OP(MD)No.3338 of 2022, stands allowed and as a sequel, the proceedings in C.C.No.207 of 2018 pending on the file of the learned Judicial Magistrate, Trichendur, Thoothukudi, is quashed insofar as the petitioners alone and the terms of joint compromise memo shall form part and parcel of this order. The petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) each as costs, to the **credit of Government of Tamil Nadu, CMPRF in IOB**, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), on or before 31.03.2022 and the receipt of payment shall be produced before the concerned Court, failing which the order shall stand dismissed automatically without any further reference to this Court.



In Crl.O.P(MD)No.3354 of 2022:

6.In view of the order passed in Crl.OP(MD)No.3338 of 2022, this Criminal Original Petition also stands allowed and as a sequel, the proceedings in C.C.No.210 of 2019 pending on the file of the learned Judicial Magistrate, Trichendur, Thoothukudi, is quashed insofar as the petitioners.

7.Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

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 Judicial Magistrate,
Tiruchendur, Thoothukudi District.
- 2.The Inspector of Police,
Tiruchendur Police Station,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:

THE OFFICER INCHARGE,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI - 9.

COMMON ORDER
IN

CRL OP(MD). Nos.3338 & 3354 of 2022
and CRL.M.P.(MD)Nos.2469 & 2485 of 2022

Date : 22/03/2022

ark(CO)

GC(25.03.2022) 3P 5C

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