



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2022

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD)No.3988 of 2021 and

CRL.M.P. (MD)No.2208 of 2021

WEB COPY

1. R.Senthamil @ Senthamil Vadivelan
2. S.Maharajan
3. M.Karthick @ Subramaniyan
4. S.Ahishram ... Petitioners / Accused 1 to 4

Vs.

1. State rep. By,
The Inspector of Police,
Kanyakumari police station,
Kanyakumari District.
(Crime No.221 of 2017) ... 1st Respondent / Complainant

2. Sivakumar ... 2nd Respondent / Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in Crime No.221 of 2017 pending investigation on the file of the first respondent police and quash the same.

For Petitioner : Mr.T.Mohan,
for Mr.Pooventhera Rajan.

For R-1 : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

For R-2 : Mr.B.Fazil Kirmani

O R D E R

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent and the learned counsel appearing for the second respondent.

2. The allegation of the defacto complainant is that the property belonging to a local temple valued at Rs.10,000/- was damaged by the petitioners. Even according to the defacto complainant, the occurrence had taken place during the late night. Obviously, the occurrence was not witnessed by anybody.

3. I indicated to the petitioners' counsel that without prejudice to their contention that they are innocent, the petitioners can undertake to pay a sum of Rs.10,000/- to the defacto complainant. He agreed to the suggestion given by this Court. The



petitioners have since paid a sum of Rs.10,000/- to the defacto complainant. The defacto complainant has also no objection for quashing the impugned First Information Report.

4. Therefore, the impugned First Information Report is quashed.

5. At this stage, the learned Additional Public Prosecutor states that the final report was filed on 23.08.2018 on the file of the learned Judicial Magistrate No.I, Nagercoil. He would also fairly state that it is yet to be taken on file. In view of the subsequent developments that have taken place, the said final report also stands quashed.

6. This criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2022

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.

To:

1. The Inspector of Police,
Kanyakumari police station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
The Judicial Magistrate No.I, Nagercoil.

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nsn(CO)
TR(06.01.2022) 2P 4C