



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Jurisdiction

Wednesday, the Twentieth day of July Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL MP(MD) . No.8054 of 2022
in
CRL.OP No.6101 of 2022

Navaskhan

... Petitioner/2nd Victim Witness
Vs

1.Sathik Batcha

2.Noor Mohmed

...Respondents/Petitioners/Accused No.2 &3

3.The Inspector of Police
District Crime Branch,
Ramanathapuram,
Ramanathapuram District.

... Respondent/1st Respondent/Complainant

4 Thowlath Nooriya @ Thowlath Nisha

... Respondent/2nd Respondent/Defacto Complainant

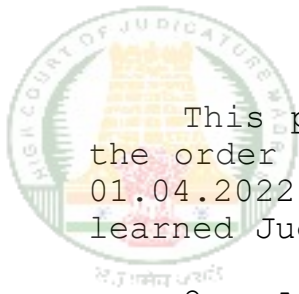
Prayer :-

This Criminal Miscellaneous petition filed under section 482 of Criminal Procedure code, to recall order passed by this Hon'ble Court in Crl.OP.(MD).No.6101 of 2022 dt.1.4.2022 against case in CC.No.03 of 2019 on the file of the Judicial Magistrate Court No.II,Ramanathapuram.

Prayer in CRL OP(MD) . 6101/ 2022 :

Criminal Original Petition filed under sec 482 Cr.p.c praying to call for records relating to Charge Sheet in C.C.No. 03 of 2022 on the file of Judicial Magistrate No.II, Ramanathapuram and quash the same.

ORDER:- This Criminal Miscellaneous petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.Jegadeeswaran, Advocate for the Petitioner and of Mr.B.Rrahalad Ravi, Advocate for first Respondent and Mr.S.Ravi, Public Prosecutor for 3rd Respondent, this Court made the following order:



This petition has been filed by the petitioner/P.W.2 in the order passed by this Court in Crl.O.P.(MD)No.6101 of 2022 dated 01.04.2022 against case in C.C.No.3 of 2019 on the file of the learned Judicial Magistrate Court No.II, Ramanathapuram.

2. According to the petitioner, he is also one of the victim in C.C.No.3 of 2019 on the file of the learned Judicial Magistrate-II, Ramanathapuram, charged for the offences under Sections 419, 465, 467, 468, 471, 420 r/w 120(b) of IPC. However, the defacto complainant viz., the fourth respondent herein entered into a compromise with the accused 1 & 2 viz., the respondents 1 & 2, without the knowledge and consent of the petitioner herein. That apart, they have also failed to disclose what is the compromise between them.

3. Admittedly, the petitioner had no knowledge and he had not given any consent for the compromise memo. Suppressing those facts, the respondents 1,2 & 4 entered into compromise and filed the same before this Court. Considering the above facts and circumstances, this Court is inclined to recall the order passed by this Court.

4. Accordingly, the order dated 01.04.2022 passed by this Court in Crl.O.P.(MD)No.6101 of 2022 is hereby recalled. Registry is directed to post the matter before the regular Court.

Sd/-

Assistant Registrar (CS I)

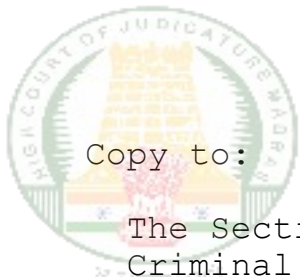
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/08/2022

Sub Assistant Registrar(CS)

TO

- 1.The Judicial Magistrate No.II,
Ramanathapuram
- 2.The Inspector of Police
District Crime Branch,
Ramanathapuram,
Ramanathapuram District.
- 3.The Addl.Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai

WEB COPY

+1cc to M/s.R.Jegadeeswaran, Advocate CASR No.32819 of 2022

ORDER DATED : 20/07/2022

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RECALL THE ORDER

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CRL MP(MD). No.8054 of 2022

IN

Cr1. OP No.6101 of 2022

Giving direction and etc.
as stated within.

SS/01/08/2022/ 3P 7C