



Crl.O.P.(MD) No.15126 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P(MD)No.15126 of 2022

1.Saravanakumar
2.Vigneshwaran
3.Ganeshkumar
4.Kathanan

...Petitioners

vs

1.The Inspector of Police,
Kadalagudi Police Station,
Thoothukudi District.

2.Irulappan
3.Muthukumar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the Charge Sheet/Final report filed by the first respondent, numbered in C.C.No.260 of 2021 on the file of the Judicial Magistrate, Vilathikulam, Thoothukudi District in Cr.No.18 of 2019 on the file of the Inspector of Police, Kadalagudi Police Station, Thoothukudi District and to quash the same as against the petitioners in view of the compromise entered with second and third respondents.

For Petitioners
For R1

:Mr.Raja Karthikeyan
:Mr.A.Albert James
Government Advocate

For R2 and R3

:Mr.Raja



Crl.O.P.(MD) No.15126 of 2022

ORDER

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This Criminal Original Petition is filed to quash the C.C.No.260 of 2021 on the file of the Judicial Magistrate, Vilathikulam, Thoothukudi District.

2.Heard Mr.Raja Karthikeyan, learned Counsel for the Petitioners, Mr.A.Albert James, learned Government Advocate for the first Respondent and Mr.Raja, learned Counsel for the Respondents 2 and 3.

2.The learned Counsel for the Petitioners submitted that after the registration of the case, there had been compromise on the advise of the village elders. Based on the same, joint compromise memo is filed before this Court. In the light of the joint compromise memo, the learned Counsel for the Petitioners seeks to quash the Charge Sheet/Final report in C.C.No.260 of 2021 on the file of the Judicial Magistrate, Vilathikulam, Thoothukudi District.

3.To clarify the same, the parties to the compromise, the Petitioners herein and the De-Facto Complainant were summoned by this Court to appear, so that the statement of each of the accused and



Crl.O.P.(MD) No.15126 of 2022

the De-Facto Complainant can be recorded. For the purpose of identification, the first Respondent was also directed to appear through the Government Advocate.

4. Accordingly, in the presence of Mr. Raja Karthikeyan, learned Counsel for the Petitioners, Mr. A. Albert James, learned Government Advocate for the first Respondent and Mr. Raja, learned Counsel for the Respondents 2 and 3, the Investigation Officer had identified the accused and the De-Facto Complainant.

5. In the presence of the learned Counsel for the Petitioners, the learned Government Advocate and in the presence of the Investigation Officer, the statements of the accused, Petitioners 1 to 4, namely, 1. Saravanakumar, 2. Vigneshwaran, 3. Ganeshkumar and 4. Kathanan were recorded separately. The statement of the De-Facto Complainant was also recorded regarding clarification whether he had entered into the compromise based on the infer or threat or coercion of the Petitioners herein as accused. He had clearly stated that they were friends earlier to the dispute and earlier to the registration of the case. Subsequently, after change of minds by the Petitioners, they had approached him through the village elders.



Crl.O.P.(MD) No.15126 of 2022

Therefore, to maintain the earlier relationship, he had arrived at a compromise to prevent the Petitioners from getting affected with this criminal case.

6. Based on the statement recorded from the De-Facto Complainant, this Court arrives at a conclusion that the compromise arrived at between the Petitioners and the second Respondent/De-Facto Complainant are *bona fide* and genuine. Therefore, the compromise is recorded.

7. In the light of the compromise, to avoid the criminal case having a negative or impact on the future prospects of the Petitioners, who are arrayed as accused, the Criminal Original Petition is allowed. The Charge Sheet/Final report in C.C.No.260 of 2021 on the file of the Judicial Magistrate, Vilathikulam, Thoothukudi District, is quashed. The Joint Compromise Memo shall form part of this order.

Index:Yes/No

15.09.2022

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Note: Issue order copy by 14.10.2022.



Crl.O.P.(MD) No.15126 of 2022

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- 1.The Judicial Magistrate, Vilathikulam, Thoothukudi District.
- 2.The Inspector of Police,
Kadalagudi Police Station,
Thoothukudi District.



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Crl.O.P.(MD) No.15126 of 2022

SATHI KUMAR SUKUMARA KURUP, J.

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CRL.O.P(MD)No.15126 of 2022

15.09.2022