



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.18730 of 2021

and

Cr.M.P. (MD)No.10375 of 2021

WEB COPY

- 1.Stephen
- 2.Antony Benito
- 3.Liyon
- 4.Anthony Madharasan

... Petitioners/
Accused Nos.1,3 to 5

Vs.

- 1.The State represented by
The Inspector of Police,
District Crime Branch Police Station,
Kanyakumari District.
(Crime No.53 of 2015)

... 1st Respondent/
Complainant

- 2.Meenakshi

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to set aside the order passed by the learned Judicial Magistrate No.I, Nagercoil in Crime No.53 of 2015 dated 08.01.2021 registered on the file of the first respondent police under Sections 120(b), 416, 418, 419, 467, 468, 469, 471 & 420 IPC.

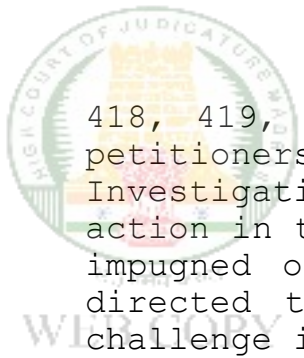
For Petitioners : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.M.Veeranthiran
Government Advocate (Crl.Side) for R.1
Mr.R.Murugan for R.2

ORDER

Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Criminal Side) appearing for the first respondent and the learned counsel appearing for the defacto complainant.

2. The petitioners were shown as accused in Crime No.53 of 2015 registered on the file of District Crime Branch Police Station, Kanyakumari District, for the offences under Sections 120 (b), 416,



418, 419, 467, 468, 469, 471 and 420 IPC. It is the stand of the petitioners that the matter was subsequently compromised and the Investigating Officer filed the final report for dropping further action in the matter. But then the jurisdictional Magistrate by the impugned order, dated 08.01.2021 declined to accept the same and directed to conduct further investigation. This order is under challenge in this Criminal Original Petition.

3. The learned counsel appearing for the defacto complainant seeks time. According to him, the issue was not really compromised. I do not want to enter into any factual controversy at this point of time. I only observe that the reasons assigned by the jurisdictional Magistrate for directing further investigation do not appear to be correct. If the parties have really settled the matter, the Investigation Officer is justified in filing the final report for dropping further action in the matter even if the offence is not compoundable. It is seen that the defacto complainant had filed O.S.No.8 of 2017 before the I Additional District Munsif Court, Nagercoil and later, the same was dismissed as not pressed.

4. The learned counsel appearing for the petitioners also relies on compromise deed dated 30.01.2020 entered into between the parties. The first respondent shall consider all the materials to be placed by the petitioner as well as the defacto complainant. If really the matter had been settled and the defacto complainant had received a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) under the terms of agreement, then obviously, she cannot be permitted to resile from the same. If the first respondent is really satisfied that the issue was settled and the second respondent was paid a sum of Rs. 25,00,000/- (Rupees Twenty Five Lakhs only), the first respondent is directed to file the final report for dropping further action in the matter and the same shall be accepted by the jurisdictional Magistrate. If, of course, as now claimed, the amount of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) was not really paid to the defacto complainant, then the first respondent shall file the final report on merits and in accordance with law. With this direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

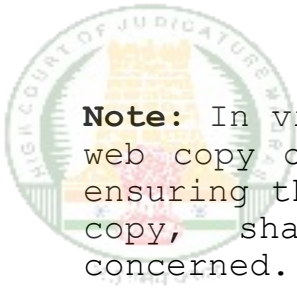
Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar(CS)

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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.

WEB COPY

To

- 1.The Judicial Magistrate No.I,
Nagercoil.
- 2.The Inspector of Police,
District Crime Branch Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.MURUGAN, Advocate (SR-2255[F] dated 24/01/2022)

+1 CC to M/s.M.VISHNUVARTHANAN, Advocate (SR-2117[F] dated 24/01/2022)

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RD(04.02.2022) 3P 6C