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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.OP(MD)No.20433 and 20482 of 2022

1.Crl.OP(MD)No.20433 of 2022:-

1.Karthikeyan  
2.Balachandran  
3.Palanivelu : Petitioners/A1 to A3

Vs.

State through by

1.The Inspector of Police,  
Athanakottai Police Station,  
In Crime No.97 of 2017  
Pudukottai District. : R1/Complainant

2.Kannan : R2/De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to call for the records in CC No.159 of 2019 on the file of the District Munsif-cum-Judicial Magistrate, Gandarvakkottai and quash the same as illegal.



For Petitioners : Mr.C.Susikumar  
For 1<sup>st</sup> Respondent : Mr.R.Sivakumar  
Government Advocate (Criminal Side)  
For 2nd Respondent : Mr.R.Maheswaran

(2).Crl.OP(MD)No.20482 of 2022:-

1.Kannan  
2.Arun  
3.Thirunavukarasu  
4.Prabhu  
5.Karthik  
6.Rajakannan : Petitioners/A1 to A6

vs.

1.The Inspector of Police,  
Athanakottai Police Station,  
In Crime No.104 of 2017  
Pudukottai District. : R1/Complainant  
2.Palanivelu : R2/De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to call for the records in SC No.98 of 2019 on the file of the Additional Sub Court, Pudukottai and quash the same as illegal.

For Petitioners : Mr.R.Maheswaran  
For 1<sup>st</sup> Respondent : Mr.R.Sivakumar  
Government Advocate (Criminal Side)  
For 2<sup>nd</sup> Respondent : Mr.C.Susikumar



### COMMON ORDER

CrI.OP(MD)No.20433 of 2022 has been filed seeking quashment of the case in CC No.1598 of 2019 on the file of the District Munsif-cum-Judicial Magistrate, Gandarvakkottai, whereas, CrI.OP(MD)No.20482 of 2022 has been filed seeking quashment of the case in SC No.978 of 2019 on the file of the Additional Sub Court, Pudukottai.

2.Since, it is a case and counter and the parties are one and same, in both cases, this common order is passed.

3. The petitioners in CrI.OP(MD)No.20433 of 2022 are facing the charges for the alleged offences under sections 294(b), 323, 324 and 506(ii) IPC for the alleged occurrence took place, on 04/08/2017 and in respect of which, a case in Crime No. 97 of 2017 was registered and it was taken cognizance by the trial court in CC No.189 of 2019, whereas the petitioners in CrI.OP(MD)No.20482 of 2022 are facing the charges for the alleged offences under sections 147, 148, 341, 307, 506(ii) and



326 IPC for the alleged occurrence took place on 17/08/2017 and in this connection, a case in Crime No.104 of 2017 has been registered and it was taken cognizance by the trial court in SC No. 98 of 2019.

4.Now both the counsels appearing for the parties would submit that they want to compromise the issue between them amicably and to that effect both filed joint memo of compromises, which have been duly signed by the parties and also by their respective counsels.

5.The parties, in both cases appeared in person before this Court along with their counsels and also produced their Aadhar cards. Both the parties to compromise were enquired by me and they accepted the terms of compromise. Hence, the Compromise Memos filed in both cases are recorded. Further, on going the judgment passed in SC No.80 of 2017, dated 27/09/2022, the first petitioner in CrI.OP(MD)No.20482 of 2022 who alleged to have involved in the previous murder case, along with the other 13 persons, were acquitted by the Additional District and Sessions Judge, Pudukottai.



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8.Considering the totality of the circumstances, the nature of the allegations levelled against the petitioners in both the cases and also in view of the joint compromise memos, dated 17.11.2022, this Court is of the opinion that no useful purpose will be served by keeping both the matters pending.

9.In the result, both Criminal Original Petitions stand allowed and the entire proceedings in CC No.159 of 2019 pending on the file of the District Munsif-cum-Judicial Magistrate, Gandarvakkottai and the entire proceedings in respect of SC No.98 of 2019 pending on the file of the Additional Sub Court, Pudukottai are hereby quashed and the terms of joint compromise memos shall form part of this order.

23.11.2022

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Index : Yes/No

Internet: Yes



To  
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1. The Inspector of Police,  
Athoor Police Station,  
Thoothukudi District.
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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G.ILANGO VAN, J.

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Crl.OP(MD)No.20433 and 20482 of 2022

23.11.2022