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Crl.O.P.(MD) No.21035 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2022

CORAM

THE HON'BLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

CRL.O.P(MD)No.21035 of 2022

and

Crl.M.P(MD)Nos.14699 and 14697 of 2022

S.Ebrahim Mehroof

...Petitioner

-vs-

1.State represented by
the Sub Inspector of Police,
Asaripallam Police Station,
Kanniyakumari District.
(in Cr.No.83 of 2022)

2.Godfray

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the charge sheet in C.C.No.815 of 2022, dated 26.08.2022 on the file of the learned Judicial Magistrate No.I, Nagerkoil, Kanniyakumari District and to quash the same as illegal.

For Petitioner
For R1

: Mr.G.Anto Prince
: Mr.R.Sivakumar
Government Advocate (Crl.side)
:Mr.M.Meeran Mytheen

For R2



Crl.O.P.(MD) No.21035 of 2022

ORDER

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The learned Counsel for the Petitioner seeks to quash the final report filed by the Respondent Police in C.C.No.815 of 2022 on the file of the learned Judicial Magistrate-I, Nagerkoil.

2.It is the submission of the learned Counsel for the Petitioner that the Petitioner is arrayed as Accused No.2 in C.C.No.815 of 2022. During the pendency of the case, the Petitioner and the De-Facto Complainant in this Petition had arrived at a compromise, based on which, the Petitioner seeks to quash the charge sheet in C.C.No.815 of 2022. It is the further submission of the learned Counsel for the Petitioner that the second Respondent and the Petitioner are students of different Colleges and they reside in the same area. A Memo of Compromise is recorded and also filed before this Court.

3.When the case came up for hearing on 29.11.2022, the second Respondent was not served. At that time, learned Counsel for the second Respondent sought time to file vakalat. Therefore, the case was adjourned today, ie., 30.11.2022 for filing vakalat.



Crl.O.P.(MD) No.21035 of 2022

4.Today, ie., 30.11.2022, Mr.Meeran Mydeen and Mr.J.Sameena, learned Counsels had filed vakalat on behalf of the second Respondent. The learned Counsel for the second Respondent also concedes the fact that there was a joint compromise between the Petitioner and the second Respondent to give a quietus to the dispute.

5.Mr.R.Sivakumar, learned Government Advocate (Crl.side), on instructions from the first Respondent, also concedes the fact. He further submitted that compromise had been arrived only with A2 and not with A1. Therefore, it is a partial compromise.

6.The second Respondent/De-Facto Complainant was summoned and he admitted that he has no objection to quash the charge sheet as against both the accused.

7.In the light of the compromise arrived at between the Petitioner and the second Respondent/De-Facto Complainant and also in the light of the affidavit of the Second Respondent/De-Facto Complainant stating that he does not intend to proceed with the case, the request of the second Respondent to withdraw the prosecution is accepted and permitted.



Crl.O.P.(MD) No.21035 of 2022

8.In the light of the compromise arrived at between the Petitioner and the second Respondent, this Petition is allowed. Consequently, the charge sheet in C.C.No.815 of 2022 on the file of the learned Judicial Magistrate-I, Nagerkoil, is quashed in *toto*. The Memo of Compromise shall form part of this order.

**In this result, this Criminal Original Petition is allowed.
Consequently, connected Miscellaneous Petition is closed.**

30.11.2022

Index:Yes/No

cmr

To

- 1.The Sub Inspector of Police,
Asaripallam Police Station,
Kanniyakumari District.
- 2.The Judicial Magistrate No.I, Nagerkoil, Kanniyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

4/5



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Crl.O.P.(MD) No.21035 of 2022

SATHI KUMAR SUKUMARA KURUP, J.

cmr

CRL.O.P(MD)No.21035 of 2022

30.11.2022