



Crl.O.P.(MD)No.2489 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2023

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.2489 of 2020

and

Crl.M.P.(MD).Nos.1290 and 1291 of 2020

1.Jerry Clements

2.Muthu @ Muthulakshmi

3.Guruvenkatraj

... Petitioners/Accused No.5 to 7

Vs.

M.P.Velraja

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the case in C.C.No.3 of 2014 pending before the learned Chief Judicial Magistrate, Madurai and quash the same.

For Petitioners : Mr.R.Aravindan

For Respondent : No appearance

ORDER

The Criminal Original Petition is filed seeking to quash the complaint in C.C.No.3 of 2014 pending before the learned Chief Judicial Magistrate, Madurai.



Crl.O.P.(MD)No.2489 of 2020

2. The petitioners are arrayed as Accused Nos.5 to 7 in a private complaint in C.C.No.3 of 2014 pending on the file of the learned Chief Judicial Magistrate, Madurai for the offences under Section 147, 148, 341, 323, 324, 380, 441, 442, 452 and 506(ii) IPC. The Accused Nos.1 to 4 had earlier filed a quash petition in Crl.O.P.(MD).No.7143 of 2014 before this Court. In the said petition, this Court had recorded the compromise arrived at between the parties concerned pursuant to a joint compromise memo filed by them and passed the following order:

“4. Continuance of the impugned prosecution would only amount to an abuse of legal process. In view of the settlement of the issues, the impugned proceedings stand quashed. The Criminal Original petition stands allowed. Consequently, connected miscellaneous petitions are closed.”

3. The learned counsel for the petitioners submits that since this Court had quashed the entire proceedings, the petitioners have not independently filed any separate quash petitions. However, the learned Magistrate, on a reading of the order of this Court, had taken a view that this Court had quashed the proceedings only in respect of A1 to A4.

4. There is no representation for the respondent. On a reading of the order passed by this Court in Crl.O.P.(MD).No.7143 of 2014, this Court finds



Crl.O.P.(MD)No.2489 of 2020

that by the earlier order, this Court has quashed the entire proceedings on account of the compromise. That apart, the complaint is primarily against the first accused stating that he had attacked him pursuant to a tenancy dispute between the complainant and the fifth accused. It is alleged that the property belonged to the fifth accused was purchased by the wife of the third accused and thereafter, a compromise was arrived by which the complainant agreed to vacate the premises by receiving certain sum of money. As against the seventh accused, it is alleged that he had not taken action on the complaint given by the complainant. The impugned complaint which is primarily directed against A1 and A2 has been compromised. This Court is of the view that this Court had quashed the proceedings by virtue of the compromise which will enure in favour of the petitioners as well. Therefore, the proceedings stand quashed in respect of the petitioners as well.

5. Hence, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

03.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm



Crl.O.P.(MD)No.2489 of 2020

To

WEB COPY

The Chief Judicial Magistrate,
Madurai.



WEB COPY



Crl.O.P.(MD)No.2489 of 2020

SUNDER MOHAN, J.

Lm

**CrI.O.P(MD).No.2489 of 2020
and
CrI.M.P.(MD).Nos.1290 and 1291 of 2020**

03.02.2023