



Crl.O.P.(MD)No.1553 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1553 of 2023

Solairaj @ Cholaraj

... Petitioner

Vs.

1.State through the Inspector of Police,
Cumbum South Police Station,
Theni District.
Crime No.262 of 2022.

2.Suresh

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the case in Crime No.262 of 2022 on the file of the first respondent for the offences punishable under Sections 417 and 420 IPC and quash the same.

For Petitioner : Mr.D.Malaichamy

For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)

For R2 : Mr.M.Karuppasamy Pandian



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ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to call for the records pertaining to the case in Crime No.262 of 2022 on the file of the first respondent for the offences punishable under Sections 417 and 420 IPC and quash the same.

2. The case of the prosecution is that on 15.08.2018, the petitioner said to have engaged the defacto complainant's JCB driver to demolish a house which found to be under litigation. Hence, the complaint.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that the second respondent has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.262 of 2022, dated 21.09.2022 for the offences under Sections 417 and 420 IPC, against the petitioner.



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4. The case is still under the investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.S.Nagaraj, SSI, Cumbum South Police Station as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 417 and 420 IPC.



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7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.262 of 2022 on the file of the first respondent police, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

03.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The Inspector of Police,
Cumbum South Police Station,
Theni District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.1553 of 2023

K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.1553 of 2023

Dated: 03.02.2023