



Crl.O.P.(MD)No.1680 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **23.06.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.1680 of 2023

1.Viji

2.Sinkarajan

... Petitioner / Accused

Vs.

1. The State rep. by the
The Inspector of Police,
Thuckalay Police Station,
Thuckalay,
Kanyakumari District.
(Crime No.121 of 2017)

2. Prabhu

.. Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for records pertaining to the impugned Sessions Case in S.C.No.75 of 2018 on the file of the Additional District and Sessions Court, Padmanabhapuram, Kanyakumari District and to quash the same.

For petitioner : Mr. C. Kishore

For R1 : Mr.S.Manikandan
Government Advocate (Crl. Side)

For R2 : Mr.V. Xavier Raj



ORDER

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This Criminal Original Petition has been filed to call for records pertaining to the impugned Sessions Case in S.C.No.75 of 2018 on the file of the Additional District and Sessions Court, Padmanabhapuram, Kanyakumari District and to quash the same.

2.The contention of the petitioners is that based on the complaint lodged by the 2nd respondent, the 1st respondent registered the First Information Report in Crime No.121 of 2017 for the offences punishable under Sections 341, 294(b), 324 and 307 IPC, against the petitioners. It appears that there is no grievous injuries sustained by the defacto complainant.

3.The further contention of the petitioners is that they compromised the issue with the 2nd respondent amicably. A joint memo of compromise was filed, which has been duly signed by the petitioners and the 2nd respondent and also by their respective counsels.

4.The petitioners and the 2nd respondent appeared before this Court along with their counsels and also produced their Aadhar cards. They were also identified by the learned Additional Public Prosecutor and the



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Investigation Officer. Both the parties were enquired by me and they accepted the terms of compromise. Hence, the Compromise Memo is recorded.

5.Considering the totality of the circumstances, the nature of the allegations levelled against the petitioners and also in view of the joint compromise memo, dated 31.01.2023, this Court is of the opinion that no useful purpose will be served by keeping the matter pending and inclined to quash all further proceedings in S.C.No.75 of 2018 on the file of the Additional District and Sessions Court, Padmanabhapuram, Kanyakumari District in respect of the petitioners.

6.In the result, the Criminal Original Petition stands allowed and the entire proceedings in S.C.No.75 of 2018 on the file of the Additional District and Sessions Court, Padmanabhapuram, Kanyakumari District is hereby quashed in respect of the petitioners alone. The compromise memo is recorded and the terms of joint compromise memo shall form part of this order.

23.06.2023

Index : Yes/No
Internet : Yes/No
trp



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1. The Additional District and Sessions Court, Padmanabhapuram,
Kanyakumari District

2. The Inspector of Police,
Thuckalay Police Station,
Thuckalay,
Kanyakumari District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN J:

The matter is listed today under the caption “for being mentioned”, at the instance of the learned counsel appearing for the petitioner.

2. It is submitted by the learned petitioner's counsel that in the order, dated 23.06.2023, due to inadvertence, it was wrongly mentioned as 'S.C.No. 75 of 2018, on the file of the Additional District and Sessions Court, Padmanabhapuram, Kanyakumari District', instead of “***S.C.No.75 of 2018, on the file of Sub Court, Padmanabhapuram, Kanyakumari District***”.

3. In view of the same, the Registry is directed to make necessary corrections wherever it appears in the order and issue a fresh copy of the order to the parties concerned.



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14.07.2023

PNM