

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.03.2023**

CORAM:

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

Crl.O.P.(MD) No.3319 of 2023
and Crl.M.P.(MD).Nos.3025 & 3026 of 2023

1.S.Ganesan

2.R.Ragavan

3.R.Vasanthi ... Petitioners/Accused 1, 4 & 5

Vs.

1.The Inspector of Police,
District Crime Branch Police Station,
Madurai, Madurai District.
In Crime No.40 of 2012. ... 1st Respondent/Complainant

2.Vasanthi ... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.460 of 2022 pending before the Learned Judicial Magistrate No.I, Madurai District and quash the same in so far as the Petitioners/Accused No.1, 4 and 5 are concerned.

For Petitioners	: Mr.R.Babu Jeganath
For R1	: Mr.R.Nambiselvan Additional Public Prosecutor
For R2	: Mr.S.Karthikeyan

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.460 of 2022 on the file of the learned Judicial Magistrate No.I, Madurai.

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.32 of 2020 for the offences punishable under Sections 120(B), 406, 456, 477(A) and 420 of IPC, against the petitioners.

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 Investigation Officer. Both the parties were enquired by me and they

accepted the terms of compromise. Hence, the Compromise Memo is recorded.

5. Even though it is a case of impersonation, it appears that the father of the defacto complainant played the above said role by engaging the first accused, who is acting as a broker and by using the 5th accused to impersonate the defacto complainant because of the dispute with the defacto complainant, who is his daughter. The 4th accused is concerned, he is the husband of the 5th accused. He alleged to have signed in the document as a witness. The above said document has been subsequently cancelled. The second and third accused are not present before this Court. But with regard to the title of the defacto complainant, there is no issue. Even though there is serious offence has been made out against the petitioners, considering the fact that every thing has been played by the father of the defacto complainant and to settle his own motive with the defacto complainant these people have been engaged by him and also in view of the joint compromise memo, dated 01.03.2023, 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 C.C.No.460 of 2022 pending on the file of the learned Judicial Magistrate No.I, Madurai in respect of the petitioners.

6.In the result, the Criminal Original Petition stands allowed and the entire proceedings in C.C.No.460 of 2022, pending on the file of the learned Judicial Magistrate No.I, Madurai 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. Consequently, connected miscellaneous petitions are closed.

07.03.2023

Index : Yes/No

Internet : Yes/No

TM

To

1.The Judicial Magistrate No.I, Madurai.

2.The Inspector of Police,
District Crime Branch Police Station,
Madurai, Madurai District.

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

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G.ILANGOVAN. J.

TM

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