



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:17.04.2023

CORAM:

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

Crl.O.P.(MD) No.3870 of 2023

and

Crl.MP(MD)Nos.3425 and 3426 of 2023

Sree Kandan Thambi : Petitioner/A2

Vs.

1.The State of Tamil Nadu
Through the Inspector of Police,
Kollencocde,
Kanyakumari District.
(In Crime No.93 of 2015) : R1/Complainant

2.Mohan Kumar : R2/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in CC No.94 of 2018 on the file of the Judicial Magistrate No.2, Kuzhithurai, quash the same as against the petitioner.

For petitioners : Mr.K.N.Thampi

For R1 : Mr.R.Suresh Kumar
Government Advocate (Crl. side)

For R2 : Mr.C.Kishore



ORDER

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This petition has been filed seeking to quash the case in CC No.94 of 2018 on the file of the Judicial Magistrate No.2, Kuzhithurai.

2.The contention of the petitioner is that based on the complaint lodged by the 2nd respondent, the 1st respondent registered the First Information Report in Crime No.93 of 2015 for the offences punishable under Sections 294(b), 427 and 506(ii) against the petitioner and others and it has been taken cognizance by the Judicial Magistrate No.2, Kuzhithurai, in CC No.94 of 2018 and now it is pending.

3.The further contention of the petitioner 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. The 2nd respondent/de-facto complainant has stated that both the temples belong to the very same temple management and no compensation has been received by him from the accused and now the matter has been compromised between them. They were also identified by the learned



Government Advocate (Crl. side) 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.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 24.03.2023, this Court is of the opinion that no useful purpose will be served by keeping the matter pending and inclined to quash all the further proceedings in CC No.94 of 2018 on the file of the Judicial Magistrate No.2, Kuzhithurai in respect of this petitioner/A2.

6.In the result, the Criminal Original Petition stands allowed and the entire proceedings in CC No.94 of 2018 pending on the file of the Judicial Magistrate No.2, Kuzhithurai, Kanyakumari District, is hereby quashed in respect of the petitioner. The compromise memo is recorded and the terms of joint compromise memo shall form part of this order. Consequently, connected Miscellaneous Petitions are closed.

17.04.2023

Index : Yes/No
Internet : Yes/No
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To

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1. The Judicial Magistrate No.2,
Kuzhithurai,
Kanyakumari District
2. The Inspector of Police,
Kollencode,
Kanyakumari District..
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVA. J.

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