



Crl.O.P.(MD) No.4833 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

Crl.O.P.(MD) No.4833 of 2023

- 1.Balan
- 2.Sundar
- 3.Rooban
- 4.Madhan
- 5.Karthick

... Petitioners/Accused Nos.1 to 5

vs.

- 1.State represented by
The Inspector of Police,
Suchindram Police Station,
Kanniyakumari District.
(Crime No.77 of 2019)

... 1st Respondent / Complainant

- 2.Bonish Gowtham

... 2nd Respondent / Defacto Complainant

PRAYER: Criminal original petition filed, under Section 438 Cr.P.C., to call for the records in C.C.No.443 of 2021, pending on the file of the learned Judicial Magistrate No.III, Nagercoil, Kanniyakumari District and quash the same.



Crl.O.P.(MD) No.4833 of 2023

WEB COPY

For Petitioners : Mr.T.M.Sreekumar
For R1 : Mr.B.Nambiselvan
Additional Public Prosecutor
For R2 : Mr.M.Krishna Sreethar

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.17 of 2022 on the file of the learned Judicial Magistrate No.I, Tirunelveli.

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.77 of 2019 for the offences punishable under Sections 147, 294(b), 323, 341 and 506(i) IPC, against the petitioners. It appears that there is petty dispute between the parties and now the defacto complainant decided to make compromise with 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,



Crl.O.P.(MD) No.4833 of 2023

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.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 13.03.2023, this Court is of the opinion that no useful purpose will be served by keeping the matter pending. Hence, all further proceedings in C.C. No.443 of 2021 pending on the file of the learned Judicial Magistrate No.III, Nagercoil, Kanniyakumari District, is quashed and the compromise memo is recorded.



Crl.O.P.(MD) No.4833 of 2023

WEB COPY

6. In the result, the Criminal Original Petition stands allowed and the entire proceedings in C.C.No. 443 of 2021 pending on the file of the learned Judicial Magistrate No.III, Nagercoil, Kanniyakumari District, is hereby quashed in respect of the petitioners and the terms of joint compromise memo shall form part of this order.

15.03.2023

NCC : Yes / No

Index : Yes/No

Internet : Yes/No

indu

To

1. The Judicial Magistrate No.III,
Nagercoil, Kanniyakumari District.
2. The Inspector of Police,
Suchindram Police Station,
Kanniyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.4833 of 2023

G.ILANGO VAN, J.

indu

Crl.O.P.(MD) No.4833 of 2023

15.03.2023