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Crl.O.P.(MD)No.5625 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.03.2023**

CORAM:

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

Crl.O.P.(MD) No.5625 of 2023

1. Raja

2.Mohan

... Petitioners/Accused Nos.4 and 5

Vs.

1.The State rep. by
The Inspector of Police,
Ottapidaram Police Station,
Tuticorin District.
(Crime No.112 of 2016)

... 1st Respondent/Complainant

2.P.Perumal

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in connection with C.C.No.82 of 2022 on the file of the learned District Munsif Cum Judicial Magistrate Court, Ottapidaram, Thoothukudi District, in connection with Crime No.112 of 2016 on the file of the first respondent and subsequently quash the same in respect of the petitioners as illegal.



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For Petitioners : Mr.P.Arun Prasath
For R1 : Mr.B.Nambiselvan
Additional Public Prosecutor
For R2 : Mr.K.Arunraj

ORDER

This Criminal Original Petition has been filed seeking to call for the records in connection with C.C.No.82 of 2022 on the file of the learned District Munsif Cum Judicial Magistrate Court, Ottapidaram, Thoothukudi District, in connection with Crime No.112 of 2016 on the file of the first respondent and subsequently quash the same in respect of the petitioners as illegal.

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.112 of 2016 for the offences punishable under Sections 379 IPC, against the petitioners. It appears that the parties are decided to amicably settle the issue.



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.Considering the totality of the circumstances, the nature of the allegations levelled against the petitioners, there is no previous case is pending against the petitioners and also in view of the joint compromise memo, dated 27.03.2022, 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.82 of 2022 pending on the file of the learned District Munsif cum Judicial Magistrate Court, Ottapidaram, Thoothukudi, is quashed and the compromise memo is recorded.



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6.In the result, the Criminal Original Petition stands allowed and the entire proceedings in C.C.No.82 of 2022, pending on the file of the learned District Munsif cum Judicial Magistrate Court, Ottapidaram, Thoothukudi, is hereby quashed in respect of the petitioners and the terms of joint compromise memo shall form part of this order.

27.03.2023

NCC:Yes/No
Index : Yes/No
Internet : Yes/No
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To

- 1.The District Munsif cum Judicial Magistrate Court,
Ottapidaram, Thoothukudi
- 2.The Inspector of Police,
Ottapidaram Police Station,
Tuticorin District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN. J.

Indu

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