



Crl.O.P.(MD).No.6004 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.6004 of 2023
and Crl.M.P.(MD).Nos.5273 & 5274 of 2023

M.Ajith Kumar

... Petitioner/Accused No.17

Vs.

1.The State rep. by
The Inspector of Police,
Thallakulam Police Station,
Madurai District.
(Crime No.1240 of 2021)

.. 1st Respondent/Complainant

2.M.Selvam

... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the impugned Charge Sheet in P.R.C.No.71 of 2023 on the file of the Judicial Magistrate Court No.II, Madurai, in Crime No.1240 of 2021 U/s. 147, 148, 324 of IPC and Sections 3, 5 of TN Public Property (Prvnt. Of Damage & Loss) Act, 1992 and 83(ii) of the Juvenile Justice Act, dated 30.10.2021 on the file of the respondent No.1 and quash the same as illegal in so far as the petitioner concerned.



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For Petitioners : Mr.K.Dinesh

For Respondents : Mr.R.Suresh Kumar for R1
Government Advocate (Crl. Side)

Mr.M.Arumugam for R2

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in P.R.C.No.71 of 2023 on the file of the learned Judicial Magistrate No.II, 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.1240 of 2021 for the offences punishable under Sections 147, 148, 324 of IPC and Section 3 and 5 of TN Public Property (Prvnt. Of Damage & Loss) Act, 1992, against the petitioners. Later while filing the final report Section 83(2) of the Juvenile Justice Act was also added. Now the same was taken cognizance on the file of the learned Judicial Magistrate No.II, Madurai as P.R.C.No.71 of 2023.

3.The further contention of the petitioners is that they



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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 Government Advocate (Crl. side) and the Investigation Officer. Both the parties were enquired by me and they accepted the terms of compromise. It is submitted that Rs.20,000/- (Rupees Twenty Thousand only) has been received as compensation from this petitioner by the defacto Complainant.

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, 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 P.R.C.No.71 of 2023 pending on the file of the learned Judicial Magistrate No.II, Madurai in respect of the petitioners.



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6.In the result, the Criminal Original Petition stands allowed and the entire proceedings in P.R.C.No.71 of 2023, pending on the file of the learned Judicial Magistrate No.II, 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.

07.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

- 1.The Judicial Magistrate No.II, Madurai.
- 2.The Inspector of Police,
Thallakulam Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVA,J.

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