



CrI.O.P.(MD)No.6671 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **26.04.2023**

CORAM:

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

CrI.O.P.(MD) No.6671 of 2023
and CrI.M.P.(MD).Nos.5792 & 5793 of 2023

1.M.Mahesh Kumar

2.S.Kutti

3.K.Thagan @ Thakan

4.M.Suresh Kumar

... Petitioners/Accused Nos.1 to 4

Vs.

1.The State Rep. by

The Inspector of Police,
Ayilkudi Police Station,
Tenkasi District.

(Crime No.110 of 2020)

... 1st Respondent/Complainant

2.P.Govindan

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned Charge Sheet in C.C.No.212 of 2022 on the file of the Judicial Magistrate, Sengottai, Tenkasi District, in Cr.No.110/2020, U/s.294(b), 324, 323, 506(2) of IPC and Section 4 of Tamil Nadu of Harassment of Women Act, 2002 dated 15.07.2000 on the file of the respondent No.1 and quash the same as illegal.



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For Petitioners : Mr.I.Pinaygash

For Respondents : Mr.B.Nambiselvan for R1
Additional Public Prosecutor

Mr.S.Arun for R2

ORDER

This petition is filed seeking to quash the impugned Charge Sheet in C.C.No.212 of 2022 on the file of the Judicial Magistrate, Sengottai, Tenkasi District.

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.110 of 2020 for the offences punishable under Sections 294(b), 324, 323, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, against the petitioners. It appears that there is a small issue between the parties.

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.



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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.

5.It was submitted that the fourth petitioner is affected by brain tumor and hospitalized in R.R.Hospital, Delhi. Bur, however, the defacto complainant is present. It appears that it is an issue between close relative. The identity of the fourth petitioner is not disputed by the defacto complainant. The appearance of the fourth petitioner is dispensed with.

6.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 01.12.2022, 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.212 of 2022 pending on the file of the learned Judicial Magistrate, Sengottai, Tenkasi District in respect of the petitioners.



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7.In the result, the Criminal Original Petition stands allowed and the entire proceedings in C.C.No.212 of 2022, pending on the file of the learned Judicial Magistrate, Sengottai, Tenkasi District 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.

Index : Yes/No
Internet : Yes/No
TM

26.04.2023

To

- 1.The Judicial Magistrate, Sengottai, Tenkasi District.
- 2.The Inspector of Police,
Ayilkudi Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

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