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Crl.O.P.(MD)No.6964 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.6964 of 2023
and Crl.M.P.(MD).Nos.6048 & 6050 of 2023

- 1.Fr.George Ponnaiah @ George
 - 2.Joseph Antony
 - 3.Joselin Victor
 - 4.George Christu Raj
 - 5.Jerom Jeyakumar
 - 6.Joseph Arul Raj
 - 7.Anto Xavier Roche
- ... Petitioners/Accused 1 to 7

Vs.

- 1.State rep. by
The Sub Inspector of Police,
Nesamani Nagar Police Station,
Kanniyakumari District.
(Crime No.357 of 2013)
- ... 1st Respondent/Complainant

- 2.Jose
- ... 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 Charge Sheet C.C.No. 122/2016 on the file of the Judicial Magistrate II, Nagercoil, Kanyakumari District and Quash the same as illegal.

For Petitioner : Mr.G.Anto Prince



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For Respondents : Mr.B.Nambiselvan for R1
Additional Public Prosecutor
Mr.N.Jamzeer Ali for R2

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.122 of 2016 on the file of the learned Judicial Magistrate No.II, Nagercoil, Kanniyakumari 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.357 of 2013 for the offences punishable under Sections 147, 148, 324 and 506(ii) of IPC r/w Section 149 of IPC, against 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, 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, 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.122 of 2016 pending on the file of the learned Judicial Magistrate No.II, Nagercoil, Kanniyakumari District in respect of the petitioners.

6.In the result, the Criminal Original Petition stands allowed and the entire proceedings in C.C.No.122 of 2016, pending on the file of the learned Judicial Magistrate No.II, Nagercoil, Kanniyakumari 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.

17.04.2023

Index : Yes/No

Internet : Yes/No



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To

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



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G.ILANGOVAN. J.

TM

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