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Crl.O.P.(MD) No.9928 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.O.P.(MD) No.9928 of 2023

1. Thanushkodi

2. Paramasivan

... Petitioners

Vs

1. The Inspector of Police,
Pasuvanthanai Police Station,
Thoothukudi.
Crime No. 75 of 2022.

2. Sumithra

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court, call for the records in C.C.No.103 of 2023 pending on the file of the learned District Munsif Cum Judicial Magistrate, Ottapidaram, Thoothukudi and quash the same.

For Petitioners : Mr. M.Mano Kumar

For R1 : Mr.S.Manikandan
Government Advocate (Crl.Side)

For R2 : Mr.A.Sundarson



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ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.103 of 2023 on the file of the learned District Munsif Cum Judicial Magistrate, Ottapidaram, Thoothukudi .

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.75 of 2022 for the offences punishable under Sections 452, 323, 506(ii) IPC and Section 4 of TNPHW Act, against the petitioners. It is a land dispute 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 Government Advocate (Crl.Side) and the Investigation Officer.

5.Both the parties were enquired by me and they accepted the terms of compromise. Hence, the Compromise Memo is recorded.

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 26.06.2023, 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.103 of 2023 pending on the file of the learned District Munsif Cum Judicial Magistrate, Ottapidaram, Thoothukudi in respect of the petitioners.

7.In the result, the Criminal Original Petition stands allowed and the entire proceedings in C.C.No.103 of 2023, pending on the file of the learned District Munsif Cum Judicial Magistrate, Ottapidaram, Thoothukudi



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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.

28.06.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No
PNM

To

1. The District Munsif Cum Judicial Magistrate, Ottapidaram, Thoothukudi
2. The Inspector of Police,
Pasuvanthanai Police Station,
Thoothukudi.
Crime No. 75 of 2022.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J.

PNM

ORDER IN
CrI.O.P.(MD) No.9928 of 2023

28.06.2023