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Crl.O.P.(MD)No.10539 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.06.2023**

CORAM:

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

Crl.O.P.(MD) No.10539 of 2023

John Sunil Kumar

... Petitioner / Accused No.1

Vs.

1.State, represented by
The Inspector of Police,
Kollencode Police Station,
Kanyakumari District.
In Crime No.549 of 2020

...1st Respondent/Complainant

2. P.Jhon Wincy

... 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.316 of 2020 on the file of the learned Judicial Magistrate Court No.II, Kuzhithurai, Kanyakumari District and quash the same in respect of the petitioner/1st accused.

For petitioner : Mr.Mariya Vinola M

For R1 : Mr.B.Nambiselvan
Additional Public Prosecutor

For R2 : Mr.S.Krishnakumar



ORDER

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This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.316 of 2022 on the file of the learned Judicial Magistrate No.II, Juzhithurai, Kanyakumari District.

2.The contention of the petitioner is that based on the complaint lodged by the 2nd respondent, the 1st respondent registered the First Information Report in Crime No.549 of 2020 for the offences punishable under Sections 294(b), 323, 341, 452 and 506(ii) IPC and 4 of TNPWH Act, against the petitioner. It appears that it is a matrimonial dispute between the parties and now the defacto complainant decided to compromise with the first petitioner.

3.The further contention of the petitioner 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 petitioner and the 2nd respondent and also by their respective counsels.

4.The petitioner 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



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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 petitioner and also in view of the joint compromise memo, dated 05.06.2023, 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.316 of 2020 pending on the file of the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District, is quashed and the compromise memo is recorded.

6.In the result, the Criminal Original Petition stands allowed and the entire proceedings in C.C.No.316 of 2020, pending on the file of the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District is hereby quashed in respect of the petitioner and the terms of joint compromise memo shall form part of this order.

15.06.2023

NCC:Yes/No

Index : Yes/No

Internet : Yes/No

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G.ILANGOVAN. J.

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To

- 1.The Inspector of Police,
Kollencode Police Station,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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