



Crl.O.P.(MD)No.11494 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.06.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.11494 of 2023

1.Gandhi @ Nallamani

2. Rajendran

.... Petitioners/ Accused No.1 &2

Vs.

1. The State Representation by
The Inspector of Police,
Oomachikulam Police Station,
Madurai District.
(Crime No.1295 of 2014)

..... 1st Respondent/ Complainant

2. Muthukumar

..... 2nd Respondent/ Defacto – Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the Impugned Charge Sheet in C.C.No.135 of 2022 on the file of the learned Judicial Magistrate Court No.V, Madurai and to Quash the same as illegal.

For Petitioner : M/s. R.Kannan

For R1 : Mr. B. Nambiselvan
Additional Public Prosecutor

For R2 : Mr.V.Karuna



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ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No. 135 of 2022 pending on the file of the Judicial Magistrate Court No.V, Madurai.

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.1295 of 2014 for the offences punishable under Sections 147, 148, 434, 294(b), 323 and 506(ii) of IPC and altered inot Sections 294(b), 323, 506(2) and 434 of IPC, against the petitioner. It appears that there is a property dispute between the parties.

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 21.06.2023, 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. 135 of 2022 pending on the file of the Judicial Magistrate Court No.V, Madurai, in respect of the petitioner.

6.In the result, the Criminal Original Petition stands allowed and the entire proceedings in C.C.No. 135 of 2022 pending on the file of the Judicial Magistrate Court No.V, Madurai, is hereby quashed in respect of the petitioner alone. The compromise memo is recorded and the terms of joint compromise memo shall form part of this order.

27.06.2023

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

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G.ILANGO VAN, J.,

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To

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

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