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Crl.O.P.(MD)No.14969 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:07.12.2023

CORAM:

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

Crl.O.P.(MD) No.14969 of 2023

1.Pandiarajan

2.Senthamarai

3.Senthilkumar

4.Raja

5.Vickram

6.Sriman Karthikeyan

7.Munnamalai

... Petitioners/Accused
Nos.1 to 7

Vs.

1.The State rep by.

The Inspector General of Police
Othakkadai Police Station,
Madurai District.
(Crime No.203/2018)

...1st Respondent/Complainant

2.Yogarajan

...2nd Respondent/Defacto
complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records and quash the FIR in Crime No.203 of 2018 on the file of the first respondent.



CrI.O.P.(MD)No.14969 of 2023

For Petitioners : Mr.R.Jegadeswaran
For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl.side)
For R2 : Mr.A.Arun Prasad

ORDER

This Criminal Original Petition is filed to call for the records and quash the FIR in Crime No.203 of 2018 on the file of the first respondent.

2. The facts in brief:

The case in Crime No.203 of 2018 has been registered on the basis of the complaint given by one Yogarajan, who is the second respondent herein. In the complaint, he stated that on 03.05.2018 at about 8.30 a.m., he along with his friends were sitting nearby the bus stop, at that time, the accused persons came there, picked up quarrel, abused him in filthy language and attacked with wooden log, thereby he sustained injury on his head region. In the above said incident, he and another one Veeranan sustained injuries and when the neighbours came and interfered, all the accused persons fled away from the occurrence place.



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3. This petition is filed seeking quashment of the F.I.R., in Crime No.203 of 2018, on the ground that the counter complaint registered in Crime No.202 of 2018 against the second respondent and others was quashed, on the basis of the compromise reached between the parties. Copy of the order is also placed before this Court and the paragraph No.4 in Crl.O.P(MD) No.9094 of 2018 reads as under:

“4.Since the matter has been settled between the petitioners and the defacto complainant/second respondent, the proceedings in Crime No.202 of 2018 on the file of the Inspector of Police, Othakadai Police Station, Madurai District, is quashed as against the petitioners. Since the FIR itself is quashed, the subsequent investigation and filing of Charge Sheet is vitiated and the same is also quashed.”

4. The learned counsel for the second respondent would submit that on the basis of the compromise reached between the parties, he obtained an order of quashment of the FIR in Crime No.202 of 2018 registered against the second respondent and others. However, he wants to prosecute the present case.



5. Having obtained the order in favour of the second respondent in CrI.O.P(MD) No.9094 of 2018, the second respondent should have come forward to settle this issue also. Per contra, the learned counsel for the second respondent submitted that he wants to prosecute the matter. This is not proper and it is totally abuse of process of the Court.

6. In view of the compromise reached between the parties and in view of the quashment of the counter case registered in Crime No.202 of 2018 against the second respondent and others, this petition is liable to be allowed. Accordingly, the proceedings in Crime No.203 of 2018 on the file of the Inspector of Police, Othakadai Police Station, Madurai District is quashed as against the petitioners. Since the FIR itself is quashed, the subsequent investigation and filing of charge sheet is vitiated and the same is also quashed.

7. In view of the above, this criminal original petition is allowed.

07.12.2023

Index : Yes/No
Internet : Yes/No
Indu



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To

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



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G.ILANGO VAN. J.

Indu

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