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CrI.O.P.(MD)No.16534 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

CrI.O.P.(MD) No.16534 of 2023

Ramar

... Petitioner

Vs

1. The Inspector of Police,
Tharuvaikulam Police Station,
Tuticorin District. (Crime No.35/2018).

2. P.Periya

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, calling the records pertaining to C.C.No.462 of 2022 on the file of the learned District Munsif cum Judicial Magistrate, Ottapidaram, Thoothukudi District and quash the same as against this petitioner.

For petitioner : Mr.P.Banu Prasath

For R1 : Mr.M.Sakthi Kumar
Government Advocate (CrI.Side)

For R2 : Mr.K.Arulraj



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ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.462 of 2022 on the file of the learned District Munsif cum Judicial Magistrate, Ottapidaram, Thoothukudi 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.35 of 2018 for the offences punishable under Section 304(A) of IPC, against the petitioner.

3.The further contention of the petitioner is that he 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.



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4.The petitioner and the 2nd respondent appeared before this

Court along with their counsels and also produced their Aadhar cards.

They were identified by the learned Government Advocate (Crl.Side) and the Investigation Officer. They were also appeared before the High Court Legal Services Committee, Madurai. Both the parties were enquired by me and they accepted the terms of compromise. Hence, the Compromise Memo is recorded.

5.Though the offence under Section 304(A) IPC is a non-compoundable offence, considering the totality of the circumstances, the compensation amount paid by the petitioner to the second respondent and after the death of the deceased, the second respondent had performed second marriage 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.462 of 2022 pending on the file of the learned District Munsif cum Judicial Magistrate, Ottapidaram, Thoothukudi District in respect of the petitioner.



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6.In the result, the Criminal Original Petition stands allowed

and the entire proceedings in C.C.No.462 of 2022, pending on the file of the learned District Munsif cum Judicial Magistrate, Ottapidaram, Thoothukudi District is hereby quashed in respect of the petitioner. The compromise memo is recorded and the terms of joint compromise memo shall form part of this order.

12.10.2023

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

To

1.The District Munsif cum Judicial Magistrate, Ottapidaram,
Thoothukudi District.

2. The Inspector of Police,
Tharuvaikulam Police Station,
Tuticorin District. (Crime No.35/2018).

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN. J.

PNM

ORDER IN
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