



Crl.O.P.(MD)No.19386 of 2022

[BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT]

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DATED : 22.06.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.19386 of 2022
and
Crl.M.P.(MD)No.13150 of 2022

1.Jayasingh

2.Shijo

3.Vijayakumar

... Petitioners / accused No.1 to 3

Vs.

1. State rep. by

The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

Crime No.160 of 2018

... 1st Respondent / Complainant

2.Justin Rhylus

... 2nd Respondent/ Defacto complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the proceedings in S.T.C.No.60 of 2019 pending on the file of the Judicial Magistrate No.I, Kuzhithurai and to quash the same as against the petitioners herein.

For Petitioners

: Mr.A.Balakrishnan

For R1

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

For R2

: Mr.K.P.Narayanakumar



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ORDER

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This Criminal Original Petition has been filed seeking to quash the proceedings in S.T.C.No.60 of 2019 pending on the file of the Judicial Magistrate No.I, Kuzhithurai, as against the petitioners herein.

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.160 of 2018 for the offences punishable under Sections 294(b), 323 and 506(i) of I.P.C, against the petitioners.

3. The further contention of the petitioners is that there is a election issue and 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.

4 The learned counsel for the petitioners would submit that after the compromise, the second petitioner is died. Since the second petitioner is died and the charges against the second petitioner are abated.

5. The petitioners 1 and 3 and the 2nd respondent appeared before this Court along with their counsels and also produced their Aadhar cards.



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They were also identified by the learned Government Advocate (Crl Side) and the Investigation Officer. Both the parties were enquired by me and they accepted the terms of compromise. Hence, the Joint Compromise Memo is recorded.

5. Considering the totality of the circumstances, the nature of the allegations levelled against the petitioners 1 and 3 and also in view of the compromise memo, dated 14.10.2022, this Court is of the opinion that no useful purpose will be served by keeping the matter pending and inclined to quash the charge sheet in S.T.C.No.60 of 2019 pending on the file of the Judicial Magistrate No.I, Kuzhithurai , in respect of the petitioners 1 and 3.

6. In the result, the Criminal Original Petition stands allowed and the entire proceedings in S.T.C.No.60 of 2019 pending on the file of the Judicial Magistrate No.I, Kuzhithurai, is hereby quashed in respect of the petitioners alone. The compromise memo, dated 14.10.2022, is recorded and the terms of compromise memo shall form part of this order. Consequently, connected Miscellaneous Petition is closed.

22.06.2023

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

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G.ILANGOVA, J.,

Ls

To

1. The Judicial Magistrate No.I,
Kuzhithurai.
- 2.The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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