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CrI.O.P.(MD)No.19982 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.11.2023**

CORAM:

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

CrI.O.P.(MD) No.19982 of 2023

Sivaprasath

... Petitioner/1st Accused

Vs.

1.The State

Rep.by the Inspector Police
Kottar Police Station,
Kanyakumari District,
(Crime No.290/2019).

...1st Respondent/Complainant

2.Karthick

...2nd Respondent/Defacto
Complainant

3.Manivelan

4.Saraswathi

... Respondents No.3 and 4/
Victims

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records and quash the proceedings in S.C.No.119 of 2023 on the file of the Mahila Court, Nagercoil, Kanyakumari District.

For Petitioner : Mr.K.Anbarasan

For R1 : Mr.M.Vaikkam Karunanithi
Government Advocate (CrI.side)

For R2 : Mr.L.Siva



ORDER

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This Criminal Original Petition has been filed seeking to quash the charge sheet in S.C.No.119 of 2023 on the file of the Mahila Court, Nagercoil, 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.290 of 2019 for the offences punishable under Sections 326, 294(b), 307, 324, 506(i) IPC and Section 4 of TNPHW Act, against the 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. In the First Information Report in Crime No.290 of 2019, name of the first accused is stated as Sivaprasath. But actually, his name is Sivaprakash. It is also confirmed by the defacto complainant, who is present before this Court. He submitted that at that time of giving complaint, without knowing correct name of the first accused, he



mentioned first accused name as Sivaprasath instead of Sivaprakash. In the Aadhar Card also, the first accused name is mentioned as Sivaprakash.

5.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 Investigation Officer. Both the parties were enquired by me and they accepted the terms of compromise. Hence, the Compromise Memo is recorded.

6. 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 23.11.2023, this Court is of the opinion that no useful purpose will be served by keeping the matter pending. Hence, all further proceedings in S.C.No.119 of 2023 pending on the file of the Mahila Court, Nagercoil, Kanyakumari District, is quashed and the compromise memo is recorded.



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7. In the result, the Criminal Original Petition stands allowed and the entire proceedings in S.C.No.119 of 2023 pending on the file of the Mahila Court, Nagercoil, Kanyakumari District, is hereby quashed in respect of the petitioner and the terms of joint compromise memo shall form part of this order.

23.11.2023

Index : Yes/No

Internet : Yes/No

Indu

To

1.The Mahila Court, Nagercoil, Kanyakumari District.

2.The Inspector Police
Kottar Police Station,
Kanyakumari District.

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



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G.ILANGOVAN. J.

Indu

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