



Crl.O.P.(MD).No.23070 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.23070 of 2022
and Crl.M.P.(MD).Nos.16354 and 16356 of 2022

Karuthapandi @ S.Karuthapandian ... Petitioner/3rd Accused

Vs.

1.State rep. by
The Inspector of Police,
Chinnakovilankulam Police Station,
Tenkasi District.
(in Crime No.82 of 2021) ... 1st Respondent/Complainant

2.Shanmugathai ... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the Charge sheet in S.C.No.453 of 2022 on the file of the learned Sessions Judge, Mahila Court, Tirunelveli and quash the same as illegal as far as the petitioner is concerned.

For Petitioner : Mr.G.Anto Prince

For Respondents : Mr.M.Sakthi Kumar for R1
Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition has been filed seeking to quash the charge sheet in S.C.No.453 of 2022 on the file of the learned Sessions Judge, Mahila Court, Tirunelveli.

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.82 of 2021 for the offences punishable under Sections 294(b), 323, 307, 326, 503(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, 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.The petitioner and the 2nd respondent appeared before this Court along with their counsels and also produced their Aadhar cards. They



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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. Even though the offence under Section 307 of IPC is included, in the final report it has been stated by the victim and the defacto complainant is that this petitioner is not participated in the occurrence. He is their close relative. On the suspicion only he was implicated. The grievous injury has been caused to the victim namely Karuppasamy by the first and second accused. Considering the limited overt act attributed against the petitioner, 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, 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 S.C.No.453 of 2022 pending on the file of the learned Sessions Judge, Mahila Court, Tirunelveli in respect of the petitioner.



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6.In the result, the Criminal Original Petition stands allowed and the entire proceedings in S.C.No.453 of 2022, pending on the file of the learned Sessions Judge, Mahila Court, Tirunelveli 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. Consequently, connected miscellaneous petitions are closed.

19.12.2023

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

To

- 1.The Sessions Judge, Mahila Court, Tirunelveli.
- 2.The Inspector of Police,
Chinnakovilankulam Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN,J.

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