



Crl.O.P.(MD).No.21484 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:15.12.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.21484 of 2023
and Crl.M.P.(MD).No.16818 of 2023

1. A.Palaniyammal
2. R.Andavar
3. A.Kesavan
4. A.Dharmar
5. A.Velvizhli
6. S.Eswaram

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Rep by the Inspector of Police,
Palanichetty patti Police Station,
Theni District.
(Crime No.297/2023).

2. K.Kokilavani

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the FIR in Crime No.297/2023 U/s.294(b) 420 506(i) of IPC dated 19/6/2023 on the file of the first respondent and quash the same as illegal.



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For Petitioners : Mr.I.Pinaygash
For R1 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.side)
For R2 : Mr.S.Boopathy

ORDER

This Criminal Original Petition is filed to call for the records pertaining to the FIR in Crime No.297/2023 on the file of the first respondent and quash the same as illegal.

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.297 of 2023 for the offences punishable under Sections 294(b) 420 506(i) of IPC against the petitioners.

3.The further contention of the petitioners 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 petitioners and the 2nd respondent and also by their respective counsels.



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4.The petitioners 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.

5. On a compromise reached between the parties by which entire LIC policy amount belongs to the deceased agreed to be paid by the first accused before this Court. Out of the amount of Rs.20 Lakhs, Rs.8 Lakhs was paid in cash and the same was received by the defacto complainant. It is agreed by her before this Court. The balance of Rs.12 Lakhs is credited before the learned Judicial Magistrate, Theni, in the Crime No.297 of 2023. Permission is granted to the defacto complainant to withdraw the amount directly from the Court by following proper procedure. The trial Court is directed to issue the amount to the defacto complainant by notice to the party who deposited the amount. The party who deposited the amount must also give a consent or no objection for issuing the money to the defacto complainant directly. Let the learned counsel for the petitioner advise the petitioner accordingly, to give



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consent or no objection at the time of moving the proper application before the trial Court. If any difficulty arises for withdrawing the amount, the parties are at liberty to approach this Court at any time.

6. Considering the totality of the circumstances, the nature of the allegations levelled against the petitioners and also in view of the joint compromise memo, dated 11.12.2023, this Court is of the opinion that no useful purpose will be served by keeping the matter pending. Hence, all further proceedings in Crime No.297 of 2023 pending on the file of the 1st respondent police is quashed and the compromise memo is recorded.

7. In the result, the Criminal Original Petition stands allowed and the entire proceedings in Crime No.297 of 2023, pending on the file of the 1st respondent police is hereby quashed in respect of the petitioners and the terms of joint compromise memo shall form part of this order. Consequently, connected miscellaneous petition is closed.

15.12.2023

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

- 1.The Inspector of Police,
Palanichettypatti Police Station,
Theni District.
(Crime No.297/2023).
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVA N,J.

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