



Crl.O.P.(MD).No.22780 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

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1.Antony Prince Kuamr @ Prince

2.Satheesh

3.Carino Shimmer

4.Nishanth

5.Jeyakumar

6.Ambrose

7.Jokumar

... Petitioners/Accused Nos.1 to 7

Vs.

1.The State rep by

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

Crime No.31 of 2022.

...1st Respondent/Complainant

2.Joseph Michael Raj

... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the proceedings in S.C.No.212 of 2023 on the file of the learned Additional



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District Judge, Kanyakumari District at Nagercoil and quash the same insofar as the petitioners are concerned.

For Petitioners : M/s.P.Kalaiyarasi Bharathi

For R1 : Mr.M.Sakthi Kumar

For R2 : Government Advocate (Crl.side)
: Mr.S.Prasanth

ORDER

This Criminal Original Petition is filed seeking quashment of impugned charge sheet in S.C.No.212 of 2023 on the file of the Additional District Judge, Kanyakumari District at Nagercoil, in connection with Crime No.31 of 2022 on the file of the 1st Respondent Police.

2.The first petitioner namely, the first accused facing 3 previous cases. Among them, 2 cases are registered for the offence under section 302 of IPC. Hence, the first petitioner is not entitled for quashment of impugned charge sheet in S.C.No.212 of 2023 on the file of the Additional District Judge, Kanyakumari District at Nagercoil. Hence, this petition is dismissed insofar as the first petitioner is concerned.



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3. Insofar as the second petitioner is concerned, a case in Crime No.106 of 2019 is pending for the offence under Section 326 IPC and except the said case, no other case is pending against him. Insofar as the third petitioner is concerned, he is having 2 previous cases. Both are registered for the offence under Section 323 of IPC. Insofar as the fourth petitioner is concerned, he is having 2 previous cases. 1 case is registered for the offence under Section 323 of IPC and another one is registered at the time Covid-19. Hence, these petitioners and the other petitioners are entitled for quashment of impugned charge sheet in S.C.No.212 of 2023.

4.The contention of the petitioners 2 to 7 is that based on the complaint lodged by the 2nd respondent, the 1st respondent registered the First Information Report in Crime No.31 of 2022 for the offences punishable under Sections 452, 294(b), 506(ii) and 307 of IPC, against the petitioners.

5.The further contention of the petitioners 2 to 7 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 2 to 7 and the 2nd respondent and also by their respective counsels.



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6.The petitioners 2 to 7 and the second respondent appeared before this Court along with their counsels and also produced their Aadhar card. 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 Compromise Memo is recorded.

7.Considering the totality of the circumstances, the nature of the allegations levelled against the petitioners 2 to 7 and also in view of the joint compromise memo, dated 18.12.2023, this Court is of the opinion that no useful purpose will be served by keeping the matter pending. Hence, all further proceedings in S.C.No.212 of 2023 pending on the file of the learned Additional District Judge, Kanyakumari District at Nagercoil, is quashed and the compromise memo is recorded.

8.In the result, the Criminal Original Petition stands partly allowed and the entire proceedings in S.C.No.212 of 2023 pending on the file of the learned Additional District Judge, Kanyakumari District at Nagercoil,



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is hereby quashed in respect of the petitioners 2 to 7 herein and the terms of joint compromise memo shall form part of this order.

21.12.2023

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

dss

To

- 1.The learned Additional District Judge,
Kanyakumari District at Nagercoil.
2. The Inspector of Police,
Asaripallam Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

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