



Crl.O.P.(MD)No.5976 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.(MD)No.5976 of 2023

and

Crl.MP(MD)No.5246 of 2023

S.Muthu Rakkiah

... Petitioner/Sole Accused

VS.

1. The Inspector of Police,
District Crime Branch,
Theni District.

... 1st Respondent/Not a party

2. The Inspector of Police,
Bodinayakanur Town Police Station,
Theni District.
(Crime No.1258 of 2021)

... 2nd Respondent/Complainant

3. R.Nagamani

... 3rd Respondent/Defacto
Complainant

Prayer:- Petition filed under Section 482 of Code of Cr.P.C., to call for the records relating to the proceeding in Crime No.1258 of 2021 dated 19.09.2021 on the file of the second respondent police and to quash the same.

For Petitioner : Mr.T.Sakthikumaran

For Respondents : Mrs.M.Aasha

Government Advocate (Crl.Side) for R1&R2

Mr.S.Manoj Kumar for R3



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ORDER

This petition is filed to quash the FIR in Crime No.1258 of 2021 on the file of the second respondent police.

2. Even though this court heard the learned Counsel on either side at length, when the matter came up for hearing, the learned Government Advocate (Crl.Side) would represent that already investigation is completed and final report was filed on 29.08.2023.

3. The learned counsel for the petitioner would submit that when the matter has been quashed on compromise with reference to A2, there cannot be any offence that will be made out at all in A1 alone.

4. Be that as it may, when the defacto complainant is not accepting the compromise with reference to A1 and it is his case that the compromise was only with reference to A2 alone, then, in the absence of A2, whether any offence would be made out as against A1 at all would be a question when the final report is taken cognizance by the trial court. The petitioner can also challenge the final report, if he is so advised, in the manner known to law. For now, the quashment of FIR is sought on the



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ground of compromise. which is not accepted by the learned counsel for the defacto complainant, and he states that the compromise was only in respect of another accused alone.

5. Therefore, preserving such liberty as aforesaid, this Criminal Original Petition stands disposed of. Consequently, the connected miscellaneous petitions is closed.

05.09.2024

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

To

1. The Inspector of Police,
District Crime Branch,
Theni District.
2. The Inspector of Police,
Bodinayakanur Town Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

D.BHARATHA CHAKRAVARTHY, J.



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