



Crl.O.P.(MD).No.7763 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.05.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

Crl.O.P. (MD).No.7763 of 2024

Habeeb Mohammed

... Petitioner/
Accused No.4

Vs.

1. The State, Rep., by
The Inspector of Police,
Vembakkottai Police Station,
Virudhunagar District,
(Crime No.192 of 2023)

... 1st Respondent/
Complainant

2. Manohar

... 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 impugned charge sheet
in P.R.C.No.26 of 2023 on the file of the learned
Judicial Magistrate No.II, Sattur and quash the same
in so far as the petitioner is concerned.

For Petitioner : Mr.G.Sailendrababu

For R1 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

For R2 : Mr.S.Vishnuvardhan



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ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in P.R.C.No.26 of 2023 on the file of the learned Judicial Magistrate No.II, Sattur.

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.357 of 2021 for the offences punishable under Sections 341, 294(b), 307 and 120(B) IPC, dated 17.11.2021 against the petitioner.

3.The further contention of the petitioner is that the petitioner compromised the issue with the 2nd respondent amicably. Joint Memo of Compromise is filed, which has been duly signed by the petitioner and the 2nd respondent and also by their respective counsels.



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4.Learned Additional Public Prosecutor vehemently opposed this petition, since Section 307 IPC is involved. However, the learned Additional Public Prosecutor fairly submits that no previous case is pending against the petitioner.

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. On seeing the de-facto complainant and the accused, who appeared before this Court, this Court is inclined to accept the joint compromise memo. In fact, the accused is physically supporting the complainant.

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 23.05.2024, this Court is of the opinion



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that no useful purpose will be served by keeping the matter pending. Hence, all further proceedings in P.R.C.No.26 of 2023 on the file of the learned Judicial Magistrate No.II, Sattur, is quashed insofar as the petitioner herein alone is concerned and the compromise memo is recorded. Since there are other accused, who have not come forward to compromise, the present compromise shall not have any impact on the trial, which would be conducted on the other accused.

7.In the result, this Criminal Original Petition stands allowed and the entire proceedings in P.R.C.No.26 of 2023 on the file of the learned Judicial Magistrate No.II, Sattur, is hereby quashed in respect of the petitioner and the terms of Joint Compromise Memo shall form part of this order.

23.05.2024

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

ABR



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To

1. The Judicial Magistrate No.II,
Sattur.
2. The Inspector of Police,
Sempatti Police Station,
Dindigul District,
(Crime No.192 of 2023)
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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S . SRIMATHI , J .

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