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Crl.O.P.(MD)No.13068 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.13068 of 2022

Vijayalakshmi

... Petitioner

Vs.

1.The State Rep. by
The Inspector of Police,
Vatchakarapatti Police Station,
Virudhunagar District.
Crime No.256 of 2015

2.Ramesh

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of C.P.C., to call for the records of the impugned charge sheet in S.T.C.No. 2971 of 2019 on the file of the learned Judicial Magistrate No.I, Virudhunagar District and quash the same as illegal insofar as the petitioner is concerned.

For Petitioner : Mr.A.Balaji

For Respondents : Mr.S.Manikandan
Government Advocate (Crl. side) for R1

Mr.V.Sasikumar for R2



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ORDER

The Criminal Original Petition has been filed to quash the impugned charge sheet in S.T.C.No.2971 of 2019 on the file of the learned Judicial Magistrate No.I, Virudhunagar District and quash the same as illegal insofar as the petitioner is concerned.

2.The case of the petitioner is that the petitioner is arrayed as A1 and that she is the wife of the deceased, namely, Backyam Joseph and her husband availed loan facilities from the Indian Bank, in which, the second respondent/defacto complainant stood as a guarantor by mortgaging the property. Thereafter, the petitioner's husband died. Due to non-payment of the loan, the petitioner and other accused persons handed over the textile shop in favour of the second respondent. Thereafter, the second respondent took possession of the valuables inside the shop, which was taken away by the petitioner and other accused persons. Thereby, the second respondent made a complaint before the first respondent police, pursuant to which, the first respondent police registered a case in Crime No.256 of 2015 against the petitioner and other accused persons and thereafter, the first respondent police,



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conducted investigation and filed a charge sheet before the trial Court and the same was taken cognizance in S.T.C.No.2971 of 2019 for the offences punishable under Sections 294(b) and 506(i) of IPC.

3.The learned counsel for the petitioner/A1 would submit that during the pendency of this petition, A2 and A3 had already entered into a compromise with the second respondent and they agreed to alienate the property in Plot Nos.4 and 5 in S.No.182/2, situated at Thammanayakkanpatti Village to an extent of 1944 sq.ft., and based on which, the earlier quash petition filed by A2 and A3 was allowed by this Court on 02.11.2021 in Crl.O.P(MD)No.11531 of 2021 and in the said compromise memo, the second respondent was willing to compromise with the first accused, namely, the petitioner herein. Hence, he prayed for allowing this petition.

4.The learned Government Advocate (Crl. side) for the first respondent did not dispute the said facts submitted by the learned counsel for the petitioner/A1.



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5.In view of the above facts and circumstances of the case, the matter was already compromised between A2 and A3 and the second respondent and the second respondent also admitted the compromise in favour of the petitioner/A1 and the same was also part and parcel of this Court order in CrI.O.P(MD)No.11531 of 2021. Hence, this Court is inclined to extend the very same benefit to the petitioner/A1.

6.Accordingly, the impugned charge sheet in S.T.C.No.2971 of 2019 on the file of the learned Judicial Magistrate No.I, Virudhunagar District, is quashed and this Criminal Original Petition is allowed.

06.03.2024

Index : Yes/No

Internet : Yes/No

NCC : Yes/No

SJI

To

1.The Judicial Magistrate No.I, Virudhunagar District.

2. The Inspector of Police,
Vatchakarapatti Police Station,
Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

SJI

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