



W.P.(MD)No.17399 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.17399 of 2022

Jeyasankar

... Petitioner

Vs.

1.The Presiding Officer/Lok Adalat/
The Judicial Magistrate Court No.1,
Kuzhithurai,
Kanyakumari District.

2.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
(Crime No.338 of 2019)

3.Jaganraj

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in C.C.No.489 of 2019 dated 08.02.2020 and to set aside the same and restore the same.

For Petitioner : Mr.M.R.Sreenivasan

For R1 & R2 : Mr.B.Nambiselvan
The Additional Public Prosecutor

For R3 : Mr.B.Brijesh Kishore



W.P.(MD)No.17399 of 2022

ORDER

WEB COPY This petition has been filed seeking quashment of proceedings in C.C.No. 489 of 2019 dated 08.02.2020 on the file of the learned Judicial Magistrate Court No.1, Kuzhithurai, Kanyakumari District and restore the same.

2.The case of the prosecution is that the third respondent is arrayed as accused in Crime No.338 of 2019 for the offence under Sections 341, 294(b), 323, 506(1) and 325 of IPC. After completion of investigation, the Law Enforcing Agency filed a final report before the learned Judicial Magistrate Court No.1, Kuzhithurai, Kanyakumari District and the same was taken on file in C.C.No.489 of 2019. The trial Court, without hearing the petitioner/defacto complainant, closed the case during the Lok-Adalat on 08.02.2020 by imposing Rs.5,000/- fine. Challenging the same, the present petition has been filed.

3.The learned counsel for the petitioner would submit that due to the attack made by the third respondent/accused to the petitioner, the petitioner sustained injuries and taken treatment for a period of 4 days as inpatient and spent a sum of Rs.15,000/-. However, the compensation awarded by the trial Court is very meagre. Hence, he prayed for enhancement of compensation and appropriate punishment to the third respondent/accused.



W.P.(MD)No.17399 of 2022

WEB COPY

4.The learned counsel appearing for the third respondent would submit that already the third respondent/accused paid another sum of Rs.10,000/- apart from Rs.5,000/- imposed by the trial Court and the same was received by the petitioner/defacto complainant. In view of the same, no further order is necessary and this Court may close this Writ Petition.

5.The learned counsel appearing for the petitioner has no objection for receiving the amount of Rs.5,000/- already deposited and apart from that, the respondent/accused handed over Rs.10,000/- directly, to the defacto complainant before this Court.

6. In view of the said arrangement, this Writ Petition is dismissed as withdrawn with liberty to the petitioner to work out his remedy in manner known to law. No costs.

14.02.2024

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



WEB COPY



W.P.(MD)No.17399 of 2022

To

- 1.The Presiding Officer/Lok Adalat/
The Judicial Magistrate Court No.1,
Kuzhithurai,
Kanyakumari District.
- 2.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madras.



WEB COPY



W.P.(MD)No.17399 of 2022

M.DHANDAPANI, J.

dss

W.P.(MD)No.17399 of 2022

14.02.2024